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OF RACIAL DISCRIMINATION

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Fifteenth periodic report of States parties due in 1999

Addendum

Finland*

[23 August 1999]

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* This document contains the fifteenth periodic report of Finland due on 13 August 1999. For the thirteenth and fourteenth periodic reports of Finland, submitted in one document, and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/320/Add.2 and CERD/C/SR.1309-1310.

The information submitted by Finland in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.59/Rev.2.

The annexes to the report submitted by the Government of Finland may be consulted in the secretariat's files.

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GENERAL

Legislation

1. The reform of the provisions on fundamental rights, which entered into force in 1995 and of which an account was given in the thirteenth and fourteenth periodic report, has affected later legislative reforms.

2. The legislation concerning education has been revised as from 1 January 1999, including the Comprehensive Schools' Act (628/1998), the Upper Secondary Schools Act (629/1998) and the Act on Vocational Training (630/1998). According to these Acts, Finnish, Swedish or the Sami language is taught as the mother tongue of the student. Also the Roma language or some other native language of the student may be taught as the mother tongue. Under the new legislation children who reside in Finland permanently, thus including immigrant children, have both the duty and the right to go to comprehensive school. The new provisions make it possible to teach the native language of immigrant children as their mother tongue. Also religious education shall be arranged in accordance with the religious conviction of the children. There is education preparing immigrant children for comprehensive school, and preparatory education may also be arranged for vocational education.

3. A new Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999) entered into force on 1 May 1999. The Act provides for an integration benefit to be granted to the immigrant for a period of three years, provided that the immigrant participates in the elaboration and implementation of a plan for the integration of the individual immigrant or family. The plan includes measures promoting integration, resources available as well as cooperation between the municipalities' social, health and housing authorities and school authorities, the employment administration and the industry, the Social Insurance Institution, the police, immigrant and non-governmental organizations, religious communities and parishes as well as between other local bodies.

4. Amendments have been made to the Aliens' Act since the submission of the thirteenth and fourteenth periodic report. As from 1 January 1998 the Asylum Appeals Board no longer exists. The duties of the Asylum Appeals Board have been vested in the County Administrative Court of Southern Finland, the decisions of which in certain cases can be appealed against to the Supreme Administrative Court, provided that leave to appeal has been granted. The provisions concerning a clearly unfounded application in the Act have been repealed. The provisions concerning a possibly unfounded application have been amended. An extended right of appeal, treatment of applications by one independent administrative court and hearing of applicants in certain cases have improved the legal protection of immigrants.

5. Further, an amendment to the Aliens' Act (537/1999), which entered into force on 1 May 1999, improves the legal protection of immigrants by making an explicit reference to the Administrative Procedure Act (598/1982) in order to emphasize its applicability also to matters falling within the scope of the Aliens' Act. Accordingly, the authorities are under an obligation to actively assist asylum-seekers, for example in the preparation and translation of documents, and to provide adequate counselling. The provisions of the Administrative

Procedure Act also apply to the hearing of asylum-seekers by the police, as regards the investigation of grounds for an asylum request. The right of appeal of immigrants will be significantly extended. Under the amended Act, the Government shall set the general objectives for the domestic immigration and refugee policy. The conditions for entry into the country are specified in the Act. This way the authorities are provided with clear instructions for the application of the Act. The provisions concerning the reunification of families have been clarified by defining the persons who can be considered family members. The Act also specifies the conditions for granting a residence permit and the procedure to be followed.

6. The provisions concerning elections, which were earlier in four different Acts, have been inserted in a single Elections Act (714/1998) which entered into force on 8 October 1998. The contents of the provisions given account of in the previous periodic report were nevertheless not amended.

7. The Act repealing section 31 of the Finnish Constitution Act (480/1998) and the Act amending the Finnish Nationality Act (481/1998) entered into force on 15 August 1998. Competence in all matters concerning Finnish nationality was transferred to the Directorate of Immigration. At the same time it became possible to appeal against decisions concerning nationality. A decision made by the Directorate of Immigration by virtue of the Nationality Act may be appealed against to the County Administrative Court of Southern Finland. The Act will also be applied to matters which were pending before 15 August 1998.

8. In connection with the fundamental rights reform of 1995, an Act concerning the publicizing of administrative practice (621/1999) was passed. The Act will enter into force on 1 December 1999. A Personal Data Act (523/1999) entered into force on 1 June 1999. An Assembly Act will enter into force in September 1999. A government bill on legislation relating to the exercise of freedom of speech has been under preparation. The passing of the Bill, however, has been left to the new Parliament that began its session after the Parliamentary elections in the spring of 1999.

9. The Personal Data Act contains provisions on the prohibition of the treatment of delicate information and on exceptions allowed thereto. Personal data describing or intended to describe race or ethnic origin are considered, among others, as delicate information. Section 3 (2) of the Assembly Act provides for a prohibition of discrimination that has to be complied with when public meetings and gatherings are being arranged:

> Section 3
>
> "General Principles for Arranging a Meeting or Gathering
>
> No one shall, without acceptable grounds, when arranging a public meeting or gathering, be afforded a different status on account of national or ethnic origin, sex, religion, conviction, opinion, state of health, disability or any other reason related to the person."

The provision corresponds mainly to the prohibition of discrimination in section 5 (2) of the existing Constitution Act and section 6 (2) of the new Constitution, as well as chapter 11, section 9 of the Penal Code, which is a general penal provision prohibiting discrimination. Section 25 (1) of the Assembly Act contains a reference to the aforesaid provision of the Penal Code.

10. The aim is to amend the legislation on the exercise of freedom of speech so as to make the new provisions applicable to any mass media, regardless of recording, publication and distribution techniques. The new provisions would replace the Act on Freedom of the Press (1/1919), the Act on Responsibility for Broadcasting (219/1971) and chapter 6 of the Cable Transmission Act (307/1987). It would be up to the Prosecutor General to decide whether to press charges for an offence which is based on the contents of a published message and is subject to public prosecution. Furthermore, the right of action in respect of violations of the Act on the Freedom of the Press would be transferred from the Ministry of Justice to the Prosecutor General.

11. Parliament approved the new Constitution (HE 1/1998 vp) in early June 1999. The Constitution, which will enter into force on 1 March 2000, contains those provisions on fundamental rights that were incorporated in the Constitution Act in 1995, mostly unaltered. Section 125 of the Constitution contains a provision, under which Finnish citizenship could be a qualifying requirement for certain public offices and duties. The Constitution no longer explicitly lists those offices and duties to which only a Finnish citizen can be appointed. According to the rationale behind the government Bill, the restrictions for the granting of citizenship shall be limited and based on well-founded reasons.

International conventions

12. Already in 1996 the Committee on the Elimination of Racial Discrimination recommended that Finland ratify International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, and in March 1999 it reiterated its concern over the fact that this had not been done yet. Also, the Committee on Human Rights, in 1998, paid attention to the fact that the land dispute with the Sami remains unsolved. The ILO too has tried to expedite the ratification of the Convention. However, the ratification of the Convention is hindered because no progress on the issue of the land rights of the Sami has been made. Reference is made to information given under the sub-heading "International conventions" of the section on article 2 in the present report, where the preparations for a possible ratification of the Convention are dealt with in more detail.

13. The Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages entered into force in 1998. Finland submitted its initial reports on the implementation of the said Conventions in early 1999 (appendices 1 and 2).

Organs supervising discrimination

Parliamentary Ombudsman

14. As stated in the previous report, the Parliamentary Ombudsman and the Chancellor of Justice of the Council of State were assigned, in connection with the fundamental rights reform of 1995, the special duty of supervising the implementation of fundamental rights and human rights. In addition to the investigation of complaints made by citizens, the Parliamentary Ombudsman and the Chancellor of Justice have the right to intervene on their own initiative in matters that come to their attention. As requested by the Committee for Constitutional Law of Parliament, the annual reports submitted to Parliament by both the Parliamentary Ombudsman and the Chancellor of Justice of the Council of State will contain a specific section concerning the implementation of fundamental rights and human rights.

15. The capacity of the Parliamentary Ombudsman to reach decisions has been increased by the creation of another Deputy Ombudsman post with effect from 1 September 1998. The functions of the Parliamentary Ombudsman, in his capacity as a guardian of legality and the rule of law, cover in particular the elimination of racial discrimination and the follow-up of the enforcement of minority rights. However, the supervision of legality and the rule of law by the Parliamentary Ombudsman is restricted to the supervision of public authorities and civil servants and other persons performing public functions.

16. The number of complaints concerning discrimination and minority rights of the Sami people, the Roma people and immigrants has not been substantial in the past few years. According to a rough estimate, such complaints constitute a small percentage of all the complaints received by the Parliamentary Ombudsman. For the time being, no separate statistics on the complaints concerning discrimination and minority rights are compiled in the Office of the Parliamentary Ombudsman. So far, the section on fundamental rights and human rights in the annual report of the Parliamentary Ombudsman has mainly followed the system adopted in the chapter on fundamental rights in the Constitution Act. In accordance with the new division of cases between the Parliamentary Ombudsman and the Deputy Parliamentary Ombudsmen, as from September 1998, issues relating to the Sami people and issues relating to foreigners have been dealt with separately. Also, language issues form a separate group whereas issues relating to the Roma people have not been separated into a group of their own so far.

Ombudsman against Ethnic Discrimination

17. The Committee on the Elimination of Racial Discrimination has welcomed the preparations for the establishment of the office of an Ombudsman against Ethnic Discrimination to replace the Ombudsman for Aliens. As from 1 March 1999, the Office of the Ombudsman for Aliens, previously subordinate to the Ministry of Social Affairs and Health, has been subordinate to the Ministry of Labour. Preparations were initiated in the spring of 1999 for extending the field of activity of the Ombudsman for Aliens to cover also ethnic minorities and ethnic discrimination and confirming the competence of the Ombudsman, for the purpose of changing the name of the Ombudsman into Ombudsman against Ethnic Discrimination. The Ministry of Labour aims at completing the reform in 2000-2001.

Advisory boards and commissions

Advisory Board for Ethnic Relations (formerly Advisory Board for Refugee and Migrant Affairs)

18. Between 1994 and 1998 the Advisory Board for Refugee and Migrant Affairs (PAKSI) carried out a programme of action called "Towards a tolerant Finland", referred to in the previous report, the aim of which was to encourage authorities and organizations to promote good ethnic relations. The programme of action was financed by the Ministry of the Interior, the Ministry of Education and the Ministry of Social Affairs and Health. The need for a new campaign or programme of action for the year 2000 will be assessed on the basis of experience gained and of the effects of the programme of action.

19. A new Decree concerning the Advisory Board for Refugee and Migration Affairs entered into force on 1 March 1998. By an amendment to the Decree, the name of the Advisory Board was changed to the Advisory Board for Ethnic Relations (ETNO). Compared with the earlier body, the Advisory Board has new duties relating to ethnic relations and prevention of racism. Instead of one member and one substitute member, 13 of the total of 27 members of the new Advisory Board represent immigrants and other ethnic communities, a fact also welcomed by the Committee on the Elimination of Racial Discrimination. Moreover, the communities themselves have elected their members and substitute members. Such extensive representation of immigrants on the new Advisory Board is in line with the purpose of the new Advisory Board, which is to offer a chance for immigrants and ethnic minorities to influence society.

20. The former Advisory Board aimed at increasing the participation of immigrants and traditional minorities by designating persons representing these groups as members of different sections of the Advisory Board. The new composition of the Advisory Board makes it possible to improve interaction between the ministries and their subordinate authorities, different parties of the municipal labour markets, religious communities, non-governmental organizations, immigrants and traditional minorities. The Advisory Board for Ethnic Relations thus operates as a broad-based advisory body on issues relating to refugees and migration, as well as to racism and ethnic relations, and collaborates with different ministries in developing, planning and monitoring matters relating to refugees and immigration. The Advisory Board may assemble in two different compositions. The authority and organization-dominated composition consists, inter alia, of representatives of the different ministries, trade unions, the Association of Finnish Local Authorities, the Finnish Evangelic Lutheran Church and Finland Society. Most members of the migrant-dominated composition represent immigrants and ethnic minorities.

21. The Advisory Board for Ethnic Relations has launched, together with the social partners and backed up by good examples and practice, projects with the aim of promoting employment of immigrants and strengthening multiculturalism. The first projects were initiated in the autumn of 1998 and perceptible results are expected in 2000.

Advisory Board for International Human Rights Affairs

22. The Advisory Board for International Human Rights Affairs prepared a document in the spring of 1999 presenting its views on the human rights policy of the Government during the

Finnish presidency of the European Union, from 1 July to 31 December 1999. The Advisory Board, inter alia made proposals for action relating to the rights of indigenous peoples. The Advisory Board hopes that Finland, during its Presidency, will act to promote, especially within the framework of the European Union's Northern Dimension concerning the Arctic areas, the status of indigenous peoples and the opportunities they have with respect to their traditional sources of livelihood. In this connection, the Advisory Board draws attention to Protocol No. 3 to the Act of Accession of Finland to the European Union concerning the Sami, according to which, notwithstanding the provisions of the EC Treaty, it is permitted to accord the Sami exclusive rights to reindeer husbandry in traditional Sami areas. Furthermore, it is possible to extend the Protocol to cover other exclusive rights of the Sami relating to their traditional sources of livelihood, in accordance with the appropriate procedure.

Commission against Racism, Xenophobia, Anti-Semitism and Intolerance

23. The Commission against Racism, Xenophobia, Anti-Semitism and Intolerance set up by the Government is an independent body representing different groups of citizens. During the past two years immigrants and traditional minorities have also been represented on the Commission, both as members and experts. The Commission has had discussions with the most powerful actors of society, such as ministries, parliamentary groups and the mass media, and has given public statements on deficiencies observed.

Other bodies and organizations

24. In the thirteenth and fourteenth periodic report the Government gave account of the duties of the Advisory Board for Sami Affairs, working in connection with the Provincial Government of Lapland, and of the Advisory Board for Roma Affairs, which has been working in connection with the Ministry of Social Affairs and Health for more than 40 years.

25. Most provincial governments have a contact person for Roma affairs, assisted by a working group consisting of representatives of the authorities and of the Roma population. The experience gained from 1996 to 1998 has been promising. However, the future of this activity is in question as a result of lack of sufficient funding. The provincial government of Southern Finland also has a special immigration Ombudsman.

26. There are several nationwide organizations in Finland cooperating with and providing support to immigrants. Different kinds of activities have also been initiated at the local level by individual people or small groups. For example, in Tampere there is a meeting place for immigrant women which helps to prevent social exclusion.

27. In the past few years, immigrants have created various associations and new associations emerge constantly. These associations have cooperated with the public authorities and with non-governmental organizations in order to improve the rights and integration of immigrants. These active associations of immigrants make it easier to arrange cultural activities, meeting places, financial support and contacts for foreigners.

28. The Finnish sports associations have, between 1996 and 1998, worked for the promotion of tolerance, and have launched some 130 projects for this purpose at the local, regional and State level.

Decision-in-principle by the Council of State on measures for promoting tolerance and combating racism

29. The Committee, noting with satisfaction that, on 6 February 1997, the Government took a decision-in-principle on measures for promoting tolerance and combating racism, recommended that information should be provided on measures taken and progress achieved as regards the implementation of the decision-in-principle.

30. The decision-in-principle, the Government's first programme of action in this field, suggests a great number of measures to be taken by the various authorities. The possibilities for immigrants and minorities to participate in the preparation and consideration of matters concerning themselves have been increased. The decision-in-principle was to be implemented by the ministries. The decision required the competent ministries to report to the Anti-Racism Committee on the implementation of the programme by 1 December 1997. The implementation of the decision-in-principle is monitored by a ministerial group which has been established to promote good ethnic relations, and is assisted by an anti-racism committee consisting of experts of the ministries. The ministries compiled the information from their administrative fields and included the measures taken by their administration in the reports. All ministries submitted a report on the implementation of the decision-in-principle to the Anti-Racism Committee. Detailed information on the measures taken by the ministries is provided in the report of 1998 attached to this report (Appendix 3).

National system for the monitoring of racism and discrimination based on ethnic origin

31. On 1 October 1998, the Ministry of Labour set up a steering group for the establishment of a national system for the monitoring of racism and discrimination based on ethnic origin. The steering group will coordinate national measures required under the communication issued by the Commission of the European Communities on 25 March 1998 and will prepare a national plan of action. The monitoring will cover discrimination against new immigrant groups as well as against traditional ethnic minorities in different sectors of society.

32. The most important elements of the national system for the monitoring of racism and discrimination based on ethnic origin will include: (i) cooperation between different authorities, including development of and participation in training concerning ethnic relations;
(ii) introducing national studies concerning attitudes, discrimination and victims;
(iii) development of cooperation between the authorities, immigrants and non-governmental organizations; (iv) increasing the efficiency of measures taken by the authorities, for the prevention of discrimination; and (v) gathering and analysis of information, as well as the provision of legal and other advice to the victims of racism and discrimination.

33. Studies made on ethnic relations, as well as on the attitudes of the authorities and of citizens, have raised interest, and more resources have been allocated for that purpose. Three extensive studies were initiated in 1998 in accordance with the proposal of a working group

composed of experts in various fields of administration, the purpose of which was to prepare a monitoring system. These studies concern (i) attitudes of the authorities towards ethnic groups; (ii) attitudes of the majority of the population; (iii) discrimination at work and (iv) the mass media.

34. The aim of the study on attitudes of the authorities towards ethnic groups, which was published in February 1999, was to examine the attitudes of and the interaction between the authorities and persons coming from foreign cultures, including the attitudes of the police, teachers, Frontier Guard officers, social welfare officers and officers of employment agencies. The study revealed that the attitudes of social welfare officers, teachers and highly educated public officials were more positive than those of other authorities. The police and Frontier Guard officers had the most negative attitudes owing to the nature of their duties. Therefore, foreign cultures will be given more weight in their training in future. The study nevertheless showed that in general the authorities are in favour of the promotion of tolerance and measures against racism.

35. The study concerning the attitudes of the majority of the population will be published later in 1999. The first national study on discrimination at work, which should be finished by the end of 1999, creates a stronger basis for the competent authorities to combat and prevent discrimination based on ethnic origin. Also, the barometer of working life elaborated each year by the Ministry of Labour measures, among other things, discrimination at work.

36. Finally, the study on the mass media will be finalized by the end of 1999. The study aims to find out how the media deals with issues relating to immigrants, ethnic minorities, and immigration and refugee policy. All these studies provide valuable information needed in planning and decision-making.

Report on the Human Rights Policy of the Finnish Government

37. The Minister for Foreign Affairs, Tarja Halonen, submitted the first Report on the Human Rights Policy of the Finnish Government to the Foreign Affairs Committee of Parliament on 11 November 1998. During the period of office of the previous Government, the rights of minorities and indigenous peoples were defined as the main areas of concern. The prohibition of discrimination is regarded as a central component of human rights. The fight against racism and intolerance has been given special attention. Finland is undertaking anti-racist measures at all levels. Accordingly, Finland has been actively promoting the rights of minorities and indigenous peoples and also combating racism in international forums, including the United Nations, the Council of Europe and the European Union. Further reference is made to the report "Human rights and Finland's foreign policy" (Appendix 4), pages 46 to 63 in particular.

Programme of the Government

38. The new programme of Prime Minister Paavo Lipponen's second Government was released on 13 April 1999. Discrimination and human rights in general are paid attention to in the government programme in connection with various fields of administration. According to the programme, for instance, the fundamental social, cultural and economic rights of citizens will be enhanced by a further development of legislation and administrative practice. The

Government aims at reducing social discrimination. With regard to the EU, Finland will take an active part in the preparation of directives aimed against discrimination, as required by a protocol to the Treaty of Amsterdam. The programme also states that the Language Act will be updated to secure the rights of language minorities. Measures to implement the fundamental rights of the Sami concerning their language and culture will be attended to. For the first time, the government programme contains an extensive section on immigration policy. Increasing attention is paid to measures to counter discrimination, both in the legislation and in administrative practice. Good ethnic relations among the population will be promoted. According to the programme, the Government will continue to implement the immigration and refugee policy. The possibilities to assist refugees during crises are enhanced. Immigration policy will be implemented through the promotion of regional and local equilibrium. The integration of immigrants into society will be promoted by focusing in particular on children and young people. According to the programme, a general reform of the Aliens' Act and the reform of the Nationality Act will be implemented. The granting of nationality and the consideration of matters relating to immigration will be updated so as to better conform to the principles of good administration. The guidelines set out in the report of the Foreign Affairs Committee of Parliament will be applied to the repatriation of Ingrians.

39. Further, the present Government has maintained in force the above-mentioned decision-in-principle on measures for promoting tolerance and combating racism. In addition, the Government appointed a Ministerial Working Group on Immigration Policy and Ethnic Relations in May 1999, which is assisted by a group composed of officials from the competent ministries.

40. A government programme of action against ethnic discrimination and racism is being prepared in the Ministry of Labour. The basic principles and objectives of the programme would include the establishment of an active and productive cooperation network and ensuring continuity in matters relating to racism and ethnic relations between the Government and Parliament, regional and local authorities, non-governmental organizations, trade unions, communities of immigrants and ethnic minorities, religious communities, as well as sports associations and organizations, and cultural and educational associations.

41. The programme of action is meant to be twofold, i.e. its principles are to be implemented on the one hand at the government level, and on the other hand at the regional and local levels of administration, and the importance of the principle of subsidiarity and opportunities provided by the above-mentioned new Act on the Integration of Immigrants will be emphasized.

42. The programme of action will be presented to the Government at the beginning of 2000. The Ministry of Labour and the Ministry of Education are responsible for cross-administrative coordination. In addition, the Ministry of Justice, the Ministry of the Interior and the Ministry of Social Affairs and Health will also participate in the drafting of the programme.

43. Apart from the government programme, Finland is taking active measures against racism and ethnic discrimination in accordance with the communication of the Commission of the European Communities, of 25 March 1998, concerning a plan of action against racism. Moreover, the Treaty of Amsterdam contains an article on non-discrimination that calls for Member States to take measures at the national level.

Population statistics

Collection of demographic data

44. The government agency responsible for the collection of demographic data is the Population Register Centre. At the beginning of 1998, the total population of Finland was 5,147,349 persons. Statistics Finland elaborates statistics on the basis of, for example, nationality, language and country of birth. These statistics are based on information provided by the Population Register Centre.

National minorities

45. The Swedish-speaking Finns are the largest minority in Finland (293,691 persons on 31 December1997, or 5.71 per cent of the population). The Swedish-speaking Finns are a language minority, most of whom live on the southern, south-eastern and western coasts and on the Åland islands. The status of the Swedish-speaking Finns is exceptional compared to that of other national minorities, due to the fact that Swedish is, in addition to Finnish, an official language of Finland.

46. The Sami are an indigenous people. Most of the Sami, some 4,000 persons, live in the Sami Homeland in northern Lapland and about 2,400 of them live in other parts of the country.

47. The Roma live in all parts of Finland, although most of them live in the biggest cities in southern Finland. There are about 10,000 Romas in Finland. No statistical data are collected on ethnic minorities, such as the Roma. Therefore, the number of Roma and their geographical distribution can only be estimated.

48. The Jewish community in Finland consists of about 1,300 persons. Most of them live in the biggest cities in southern Finland.

49. The Tatars are a Turkish-related Islamic minority. The predecessors of this group immigrated to Finland between 1870 and 1925. There are some 900 Tatars living in Finland, mostly in the capital district.

50. The Old Russians are descendants of Russian immigrants who moved to Finland in the late nineteenth century and early twentieth century. It is difficult to estimate the size of this community, because during the past few decades the number of Russian-speaking people has increased remarkably as a result of growing immigration. At this moment, there are some 20,000 Russian-speaking persons living in Finland, of which some 5,000 are Old Russians.

Other minority groups

51. In June 1999, there were 85,900 foreigners in Finland, that is some 1.7 per cent of the population. The figure is still not big when compared with other countries, but the increase has been rapid. The four biggest groups were the Russians (17,698), the Estonians (10,494), the Swedes (7,773) and the Somalis (4,825).

52. One specific group in this context is the Ingrian Finns, returnees from the former Soviet Union. They are descendants of people who moved to Ingria, which was ceded to Sweden as a result of the Stolbova peace in 1617 (today part of the Russian Federation). Roughly 20,000 Ingrian Finns moved to Finland between 1990 and 1997.

Article 2

The Sami

International conventions

53. The Framework Convention for the Protection of National Minorities entered into force with respect to Finland on 1 February 1998. Similarly, the European Charter for Regional or Minority Languages entered into force on 1 March 1998. Finland submitted its first periodic reports on the implementation of the said Conventions in early 1999. The Advisory Committee, which assists the Committee of Ministers in its evaluation of the adequacy of the implementation of the Framework Convention for the Protection of National Minorities, will visit Finland, at the request of the Government, in August 1999. During the visit the above-mentioned initial report will be considered. On the same occasion, an open seminar will be organized in cooperation with the Council of Europe and a non-governmental organization.

54. The Committee on the Elimination of Racial Discrimination reiterated its concern over the fact that the question of land ownership by the Sami has not yet been settled and that, as a result, Finland has not yet ratified ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The Committee recommended that the Government redouble its efforts for the solution of the land dispute with the Sami. The Committee made general recommendations in 1997 that the land rights of indigenous peoples be acknowledged. Also, the Committee on Human Rights, in 1998, paid attention to the fact that the land dispute with the Sami remains unsolved. The International Labour Organization too has tried to expedite the ratification of the Convention. However, the ratification of the Convention is still not possible, because no progress on the issue of the land rights of the Sami has been achieved.

55. Since 1993, the settling of the land rights issue has been a task of the Sami Parliament* and its predecessor. The Parliamentary Committee for Constitutional Law, which was expected to give a possible statement on the joint report concerning the issue, submitted to it by the Ministry of Labour and the Ministry of Justice in 1996, has not intervened in the issue.

56. The Deputy Chancellor of Justice, on account of an opinion given by the Sami Parliament on 10 December 1998, has requested the Ministry of Justice to consider whether it would now be appropriate to take measures in order to arrange an investigation of Sami land rights. To support his request, the Deputy Chancellor of Justice refers, inter alia, to a report submitted to the Foreign Affairs Committee of Parliament by the Minister for Foreign Affairs, on 11 November 1998, concerning the human rights policy of the Finnish Government. The

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* In the report, the term "Sami Parliament", which is preferred by the Sami Parliament itself, is used instead of "Sami Thing" used in the thirteenth and fourteenth periodic report.

report - in which the rights of the indigenous peoples are set as one of the key areas of the Finnish human rights policy - mentions that Finland is investigating the possibility of ratifying the ILO convention.

57. After having negotiated with the Sami Parliament, as provided for in section 9 of the Act on the Sami Parliament (974/1995), and with representatives of various ministries, the Ministry of Justice has appointed a rapporteur to investigate, by 30 September 1999, usufruct in the State-owned land which is located in the Sami Homeland. The investigation is considered necessary because of differing evaluations presented over the years on the rights to land, water and natural resources, as well as to traditional natural sources of livelihood in the Sami Homeland. The assignment of the rapporteur is to investigate in particular: (i) how to guarantee the rights of the Sami to their own traditional natural sources of livelihood that are part of their culture in their Homeland, while taking into account the international conventions, (ii) how to guarantee, at the same time, the rights of the local population to the traditional natural sources of livelihood in accordance with the principle of equality, and (iii) whether it is possible to find such a solution to the usufruct of the land as would ensure that there is no obstructing or disturbing action in these areas, without a weighty reason, against natural sources of livelihood. Removal of the obstacles for ratification of the ILO convention also underlies the investigation. During the investigation the rapporteur has to hear the Sami Parliament and an appropriate number of representatives of the local inhabitants. The aim is that the investigation by the rapporteur is independent from the one carried out by the Sami Parliament, as regards the rights to land, water and natural resources of the Sami people. A Justice of the Supreme Administrative Court who was appointed as the rapporteur has also been approved by the Sami Parliament.

Further observations concerning the status of the Sami

58. As regards the definition of a Sami, the Committee on the Elimination of Racial Discrimination was already told at the hearing in March 1999 that the Sami Parliament is of the opinion that the composition of the Sami Parliament based on the existing definition does not guarantee the implementation of the rights of the Sami. The Sami Parliament has expressed its concern over the fact that in the coming elections in September 1999 even such persons that are not of Sami origin could be entitled to vote. However, in August 1998 the project of re-linking the Sami definition with knowledge of the Sami language was abandoned for the time being. This was because, on the one hand, negotiations have not resulted in a satisfactory consensus as to the direction and contents of the reform, and because, on the other hand, no experience was available on holding Sami Parliament elections in accordance with the Act on the Sami Parliament.

59. Even after this decision was taken, the Sami Parliament has in various connections, e.g. in its opinion of 7 October 1998, demanded that the definition of a Sami be re-linked with knowledge of the Sami language, which would restrict the definition. Also the Commission against Racism, Xenophobia, Anti-Semitism and Intolerance issued a statement on 11 September 1998, in which it considered that re-linking the Sami definition with knowledge of the Sami language should be carried forward urgently.

60. The Ministry of Justice has been following the preparations of the elections for the Sami Parliament, which are to be carried out in 1999, and will consider separately, on the basis of the experience gained, whether it is necessary to take additional measures to develop the legislation in this regard.

61. So far, the following observations can be made on the election preparations. On the basis of Lapp origin 1,128 people sought their way to the electoral register. The election committee of the Sami Parliament, on 2 March 1999, rejected virtually all these applications, because it considered the applicants to belong to the Finnish-speaking population on the basis of their language. On the basis of language it approved 56 people as Sami people. There were some among them who had presented Lapp origin as a ground for their application. On its own initiative, the election committee added 436 further people to the electoral register on the basis of language, these being mainly people who had reached voting age after the previous elections. The election committee received 765 requests for rectification in respect of its decision. On 15 April 1999, the election committee rejected 740 of the requests, based on Lapp origin, because no such new information as would have given reason for amending the earlier decision of the committee was provided in the requests for rectification. On account of a request for rectification, the election committee approved 25 applications on the basis of language. Among those people whose applications were rejected were 726 who requested rectification from the Board of the Sami Parliament. The Board rejected all the applications, except for one that it considered to have presented enough evidence on Sami origin. After this decision, there were altogether 5,087 persons of Sami origin in the electoral register. On 13 July, the Sami Parliament accepted some 30 applications on a linguistic basis. All other applications (some 700) have been rejected. These applicants have the right to appeal to the Supreme Administrative Court. Consequently, it is likely that even several hundreds of complaints will be submitted to the Court in August 1999.

62. During the consideration of the thirteenth and fourteenth periodic report the question of hearing the Sami was also touched upon. As regards section 52a of the Parliament Act, under which the Sami have the right to be heard, it can be added that in practice the parliamentary committees have regularly heard the Sami in matters affecting the Sami in particular. In addition, other authorities have to negotiate with the Sami Parliament in all far-reaching and important measures which may directly and in a specific way affect the status of the Sami as an indigenous people. Generally speaking, ministries have adopted a practice according to which the opinions of the Sami are being heard. Nevertheless, there have been some difficulties. The Sami have been dissatisfied to some extent with the fact that there have been cases where the ministries have not negotiated with them on legislative proposals having particular interest for the Sami. On account of this, some complaints have been made to the Parliamentary Ombudsman and to the Chancellor of Justice. So far, neither of them has found that an authority has failed to accomplish his/her official duties. Some of the complaints are still pending.

63. As mentioned in the previous report, the Supreme Administrative Court, by its decision of 15 May 1996 (15.5.1996 T 1447), quashed the decisions of the Ministry of Trade and Industry concerning 18 mining claims on the grounds that the ministry had not, before making the decisions, examined the effects of the claims on reindeer-keeping among the Sami population, and referred the matter back to the ministry for reconsideration. The Ministry of Trade and Industry reconsidered the claim documents and requested a written opinion from the Sami

Parliament on 1 December 1997. The Sami Parliament gave its opinion on 19 February 1998. A new decision was taken on 30 April 1998 and instructions to be followed with respect to mining claims in the Sami reindeer-keeping areas were attached to the claim documents. These instructions were negotiated with the representatives of the Sami Parliament. The Ministry of Trade and Industry has adopted a new practice of hearing the Sami and the municipalities concerned before a decision is taken. Several complaints against mines in the Sami Homeland are under consideration before the Supreme Administrative Court.

The Roma

64. The Advisory Board for Roma Affairs, which is subordinate to the Ministry of Social Affairs and Health, aims at affecting decision-making in matters concerning the Roma in Parliament and before authorities by giving opinions and proposals.

65. According to the Advisory Board for Roma Affairs, a considerable positive development can be seen in the Government's human rights policy and in the related legislative reforms which have been made in the 1990s. In the drafting of legislation, including by Parliamentary committees, the opinions of the Roma have increasingly been taken into consideration. They have been heard mainly through the Advisory Board for Roma Affairs.

66. Yet, there still are socio-economic differences between the Roma and the majority of the population. Problems relating to housing, unemployment and low level of education, social problems and resulting social exclusion are more common among the Roma than the majority. The fact that there still are prejudice and discrimination against the Roma underline the importance of education and training of both the authorities and the public.

67. The Ministry for Social Affairs and Health has designated two rapporteurs to draft a report on the present government policy concerning the Roma and to make proposals for developing it. The objective is to provide an extensive overview of the situation of the Roma population and special needs of the Roma culture and to review the relevant legislation, especially in the fields of social affairs, employment, housing and education. Attention is being paid in particular to measures to prevent the social exclusion of the Roma. Relevant international conventions and their impact at the national level are also being addressed by the rapporteurs. Proposals for developing policy concerning Roma would be made on the basis of the report, which will be published in September 1999. The report, which will be translated into English, has already aroused great interest in Finland and abroad.

Immigration and refugee policy

68. The Committee on the Elimination of Racial Discrimination recommended that the quota for refugees be increased. The Committee also paid attention to the situation of immigrants in general.

Refugees and asylum-seekers

69. Finland has progressively increased the quota for refugees, the number being 650 in 1999. In 1998, in connection with the consideration of the State budget in Parliament, the

quota was established as 600 refugees. In the framework of this quota and on the basis of the proposal of UNHCR, 600 refugees, of whom 300 arrived in 1998, were granted residence permits. In addition to this, refugees are admitted on the basis of family reunification. Under the government decision of 9 April 1999, Finland has also received 1,000 refugees from Kosovo in 1999. By August 1999, some of them had already returned to their homes.

70. The number of asylum-seekers is increasing. In 1997, 975 persons applied for asylum in Finland. In 1998, the number was 1,275. A sudden increase in the number of asylum-seekers took place in the summer of 1999. Over 1,000 Slovak Gypsies, or Romas, arrived in Finland to seek asylum, claiming that they were fleeing from persecution at home. Prime Minister Paavo Lipponen urged the Government of Slovakia to address the situation as a matter of urgency. In early July officials of the two countries held negotiations on how to solve the question. On 6 July, Finland suspended the visa-free entry for Slovak citizens for a period of four months in order to prevent the accelerating influx of asylum-seekers from Slovakia. The decision taken does not, however, affect those who have already arrived in Finland. Their requests for asylum will be handled individually and in accordance with the usual procedure. Some of the Roma who arrived in Finland have already returned to Slovakia on their own initiative. Furthermore, in July, after the suspension of visa-free entry, a Member of Parliament and the Chairperson and two members of the Advisory Board for Romani Affairs visited Slovakia for the purpose of discussing ways to promote the status of the Roma.

71. In respect of immigration policy, further reference is made to the Programme of the Government of 13 April 1999 described in paragraph 38 above.

Amendments to the Aliens' Act

72. An Act amending the Aliens' Act (1269/1997) entered into force on 1 January 1998. The Asylum Appeals Board was abolished and its duties were transferred to the County Administrative Court of Southern Finland. The decisions of the Directorate of Immigration concerning asylum, residence permits based on need of protection, and refugee status may be appealed against to the County Administrative Court of Southern Finland. The decision of the Court may be appealed against provided that the Supreme Administrative Court grants leave to appeal. The provisions on clearly unfounded applications for asylum were repealed. Also, the provisions concerning manifestly unfounded applications were amended by the same Act. When the Directorate of Immigration decides an application is manifestly unfounded it shall at the same time decide on the refusal of entry. The decision of the Directorate of Immigration shall in its entirety be submitted to the County Administrative Court of Southern Finland for approval. If the Court finds that the application is not manifestly unfounded or the applicant has produced new evidence relevant for the decision or the decision in some other way violates the law, the decision is referred back to the Directorate of Immigration for reconsideration. In other cases, the County Administrative Court shall approve the decision.

73. An amendment to the Aliens' Act (537/1999), which entered into force on 1 May 1999, improved the legal protection of foreigners by referring explicitly to the Administrative Procedure Act, the provisions of which are applied in the consideration of matters under the Aliens' Act. The hearing of asylum-seekers by the police takes place in accordance with the

provisions of the Administrative Procedure Act, whereas investigation of the identity, entry into the country and travel route of the asylum-seeker takes place in accordance with the provisions concerning police investigation. A separate section is included for the purpose of taking the best interests of the child, and the development and health of the child, into account when making a decision under the Aliens' Act. The same section also provides for the hearing of minors.

74. The amendment further provides that the Government set general objectives for the national immigration and refugee policy, including the establishment of guidelines for cooperation between different authorities in matters relating to immigration and refugees. The objectives would be drafted in a government session where all the ministers are present.

75. The conditions for entry into the country are defined by the law. Visa requirements are established on the basis of those conditions. The aim is to create clear instructions for the authorities who apply the rules. It is also provided that a person applying for a visa could be required to take out medical insurance in accordance with more detailed instructions to be determined by the competent ministry.

Family reunification

76. As for the possibility of granting a residence permit on the basis of family ties, the objective of the 1999 amendment to the Aliens' Act was to enact more detailed provisions concerning the procedure for the granting of residence permits which already had been the prevailing practice. The Act provides a definition of family members, conditions for the granting of a residence permit and the procedure to be followed. The problem with family reunification is still that the procedure for applying for a residence permit on family grounds is lengthy, because of difficulties relating to the verification of identity. A government bill concerning DNA testing in connection with family reunification is currently being prepared. Such testing would make it easier to identify persons and thus speed up the process of family reunification.

Appeal

77. Under amended chapter 8 of the Aliens' Act, the right of appeal of foreigners was extended to cover decisions of the local police, the passport authorities and the Directorate of Immigration, with a few exceptions. The right of appeal does not cover decisions concerning the issuing of visas taken in Finland or abroad, nor decisions made by foreign missions of Finland concerning applications for a residence permit. As mentioned before, the decisions of the Directorate of Immigration concerning asylum, residence permit based on need of protection, and refugee status may thus be appealed against to a County Administrative Court of Southern Finland. The decisions of the County Administrative Court may be appealed against provided that the Court grants leave to appeal.

Safe countries

78. The 1999 amendment to the Aliens' Act contains a provision concerning the grounds on which a country may be defined as a safe country. According to section 33a, safe countries are

those that are parties to the Convention relating to the Status of Refugees and comply with it, as well as with the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The determination of safe countries is left to the discretion of the authorities.

Refusal of entry and deportation

79. The Ministry of the Interior and the International Organization for Migration (IOM) have been negotiating with a view to initiate cooperation concerning situations where a foreigner upon whom a decision of refusal of entry, or deportation, has been served, will have to leave the country. The foreigner will in the first instance be offered the possibility of voluntarily returning to his country of origin, in which case the experience and expertise of the IOM could be used for organizing the return. The idea is that the foreigner is given a possibility to organize his return in a more humane way than through a procedure and measures taken by the police. The cooperation began in March 1999 and is still at an early stage.

The integration of immigrants

80. The new Act on the Integration of Immigrants and Reception of Asylum-Seekers (493/1999) harmonizes measures taken by the authorities and strengthens their mutual cooperation at all levels, notably at the local level, aiming to improve and accelerate the integration and employment of immigrants. The municipalities have responsibilities concerning both individual immigrants and municipal immigrant policy. The Act is implemented with the help of integration plans carried out at the local level. The Act provides for an integration benefit to be granted to the immigrant for a period of three years. A condition for the granting of the benefit is that the immigrant participates in the elaboration and implementation of a plan for the integration of the individual immigrant or family.

81. The municipal authorities, employment agencies and the immigrant shall agree on measures to be taken in order to enhance integration into society. If the immigrant is not willing to participate in the elaboration of the integration plan or does not comply with it, his or her economic benefits may be reduced. The municipalities will be under an obligation to provide immigrants, who live on unemployment benefit or other social benefits, with such services as to facilitate their controlling their lives and the integration of their old culture with the new one. In this way cooperation between immigrants and the local authorities is more clearly structured and is binding on both parties. The municipalities will have responsibilities concerning both individual immigrants and municipal immigrant policy. The Act thus is implemented with the help of the individual integration plans. An integration plan includes measures promoting integration, the resources available, as well as cooperation between the municipal social, health and housing authorities and the school authorities, the employment administration and industry, the Social Insurance Institution, the police, immigrant and non-governmental organizations, religious communities and parishes, and other local bodies. The hearing of representatives of the immigrants and their participation is an integral part of the plan. Reference is also made to information given under the heading "Employment situation of immigrants" (art. 5) of this report. Furthermore, reference is made to Appendix 5, "The Integration of Refugees in Finland in the 1990s".

82. In addition, a plan for developing interpretation and language services for immigrants was published in June 1999. The plan is based on a study of the importance of interpretation for immigrants using the services of employment agencies, and of planning measures to facilitate their employment. The improvement of interpretation services will contribute to the implementation of the new Act on the Integration of Immigrants and support the elaboration of individual integration plans for immigrants.

Article 4

Concluding observations of the committee on the elimination of racial discrimination concerning legislation

Racist organizations and dissemination of racist ideas

83. The Committee on the Elimination of Racial Discrimination reiterated its concern that article 4 of the Convention is not fully complied with, since there is no provision in Finnish legislation prohibiting and punishing organizations which promote and incite racial discrimination. Moreover, according to the Committee, the Penal Code contains no provision declaring an offence punishable by law any dissemination of ideas on racial superiority or hatred. The Committee recommends that the Code should, in particular, contain provisions declaring illegal and prohibiting organizations which promote and incite racial discrimination, as well as declaring the dissemination of ideas based on racial superiority or hatred an offence punishable by law. In support of its view, the Committee refers to its General Recommendation VII relating to the implementation of article 4 of the Convention.

84. The Government, however, considers that these concerns are duly taken into account in existing legislation. When the discrimination provisions of the Penal Code were amended in 1995, due account was taken of the Convention in order to make sure that national legislation would fully correspond to its provisions. Reference is made to the thirteenth and fourteenth periodic report where grounds to support this view are presented. As for the Committee's concern about the Penal Code containing no provision according to which any dissemination of ideas on racial superiority or hatred would be an offence punishable by law, the Government considers that the provision of the Penal Code on ethnic agitation fulfils this obligation under the Convention. According to chapter 11, section 8 of the Penal Code, "a person who spreads statements or other notices among the public in which a certain race or national, ethnic or religious group or a comparable group is threatened, slandered or insulted shall be sentenced for ethnic agitation to a fine or to imprisonment for a maximum of two years". Nevertheless, as the Committee still seems to have a different interpretation of the matter, there may be need to reconsider the legislation, in connection with the overall revision of the Penal Code.

85. Yet, certain measures have already been taken in this regard. The Justice and Home Affairs Council of the EU approved at its meeting in December 1998 a joint action aimed at classifying participation in a criminal organization as a punishable act. The Ministry of Justice has taken measures to prepare a new penal provision to implement the joint action, and a government bill is meant to be submitted to Parliament during the autumn 1999 session.

86. As regards racist organizations, the Government has acknowledged that in Finland there exists some loosely organized ultranationalist and racist action. Such groups, however, are not significant organizations nor political parties. Neither are these groups registered. The Committee has previously also expressed its concern over the existence of political parties supporting racist activities. In this connection, the Government points out that all the political parties represented in Parliament and their youth organizations declared the parliamentary elections held in March 1999 to be "free of racism" and signed the Charter of European Political Parties for a Non-racist Society in the autumn of 1998, as recommended by the European Union. According to the Charter, parties commit themselves, inter alia, to reject any form of racial discrimination. Parties shall also refrain from any form of political alliance or cooperation at all levels with any political party inciting to racial or ethnic prejudice and racial hatred. Moreover, parties shall ensure that all persons who work for or associate themselves with election campaigns and other activities will act at all times in accordance with the principles stipulated in the Charter.

Racist motives as grounds for increasing the severity of a punishment

87. As mentioned in the previous report, in February 1997 a bill was submitted to Parliament by a Member of Parliament who proposed that motives such as another person's race, colour, nationality or ethnic origin, religion or a comparable factor should be grounds for increasing the severity of the punishment imposed for an offence. The bill was dropped when the session of the previous Parliament ended in the spring of 1999. In the pending overall reform of the Penal Code, the need for amending the provisions determining sentences is under consideration and it is being assessed what kind of an importance a racist motive should be given in determining a sentence. The draft provisions, concerning the different penalties available to be included in the general part of the Penal Code, have already been elaborated. After the necessary opinions are available, preparations will continue in the Ministry of Justice with the objective of submitting a government bill to Parliament in 2001.

Article 5

Protection against violence

The police

(i) Investigation of offences committed by the police

88. The Committee on the Elimination of Racial Discrimination has recommended that the authorities ensure thorough investigation of cases involving alleged mistreatment of persons belonging to ethnic minorities and foreign persons by the police. The Committee against Torture has likewise recommended that an independent agency be established to investigate offences allegedly committed by the police. As far as these recommendations are concerned, a provision (section 14 (2), No. 692/1997) according to which pre-trial investigation of alleged offences by the police has been taken over by the public prosecutor was incorporated in the Pre-trial Investigation Act (449/1987) in connection with the establishment of the Office of the Prosecutor General. In addition, the Act amending Sections 14 and 44 of the Pre-trial Investigation Act (203/1997) was issued on 10 March 1998 and entered into force on 1 December 1998. The

pre-trial investigation of such offences will always be carried out by a public prosecutor - and not by the police - whether they have been committed in the conduct of official duties or not, with the exception of acts for which only a summary penal fine may be imposed. The Office of the Prosecutor General may order that the investigation be carried out by some other prosecutor or a State Prosecutor. The same may be done in respect of the consideration of charges. Such a separate order may be necessary if the offence is a serious one or the suspect is a senior police officer. In such cases the provincial police authorities may request that the person responsible for the investigation be designated directly by the Office of the Prosecutor General. The Office of the Prosecutor General may submit a request for the investigation of an offence of which a policeman is suspected directly to the National Bureau of Investigation, which will take care of notification of the provincial police authorities and the top police authorities. The Ministry of the Interior issued instructions on 2 March 1998 concerning the application of the new provisions. The reform of the legislation has been aimed at removing any doubts about the impartiality of the pre-trial investigation in cases where the suspect belongs to the organization performing the investigation.

(ii) Measures against racism and xenophobia

89. On 30 June 1997 the Ministry of the Interior issued instructions on the increasing of tolerance and prevention of racism among the police (15/011/97). The instructions provide concrete ways for the implementation of the Government Decision-in-Principle on Measures for Promoting Tolerance and Combating Racism, issued on 6 February 1997. Thereafter, the police have been trained, for example, to deal with discrimination offences. On 13 March 1997, the Ministry of the Interior issued instructions on the registration of offences which are based on racist motives. The police register does not indicate whether the person in question belongs to a national minority.

(iii) Follow-up of racially motivated offences

90. The police annually undertake a study on offences with racist motives which have occurred during the previous year. In 1997, the top police authorities had a study made on offences with racist motives committed. The purpose was not only to examine the extent of racist offences but also to draw the attention of the police to the problem. According to the study, 194 offences with racist motives were committed in 1997. Of these some 20 per cent were assaults, 20 per cent illegal threats, 10 per cent discrimination offences and 10 per cent defamation offences. Most victims of racist offences were Somalis. A separate study made at the end of 1998, examining assaults committed against foreigners in 1997, revealed that 13 per cent of the assaults had been caused by racist motives. At the time of preparation of the present report, the study of offences with racial motives which occurred during 1998 was not yet available.

The Prosecutor General

91. The Office of the Prosecutor General is the central administrative authority of the public prosecutors. As the highest prosecuting authority, it decides independently on prosecution and manages, supervises and develops the operations of the public prosecutors. In addition, it may initiate proceedings on the basis of complaints submitted by individual persons.

92. Offences where a person might have been subjected to a threat or an act of discrimination, hatred or violence on account of his/her ethnic, cultural, language or religious origin are paid particular attention to and are monitored in various ways. When necessary, measures are taken in regard to emerging cases. Specific statistics are not yet compiled on such cases, with the help of which the Prosecutor General could more closely follow the prosecution and/or judgements in respect of such offences.

93. The Prosecutor General issued instructions on 24 February 1998 placing district prosecutors under an obligation to report to the Office of the Prosecutor General offences that have significant effects on society. Such offences include, for example, offences with political or racist motives. Offences that may be presumed otherwise to attract wide public attention, or have general significance as precedents, shall also be notified.

94. In 1998, some 10 offences were reported; the victims were mainly persons of foreign origin. In most cases a person of foreign origin had been subjected to threat or violence. In three cases several people were suspected of ethnic agitation. In one case the charges led to a judgement imposing a fine. In two cases a restaurant owner was suspected of a discrimination offence, having prohibited the entry of persons of Roma origin to the restaurant. By July 1999 the Office of the Prosecutor General had been informed of 11 cases.

95. The obligation of the local prosecutors to notify the Office of the Prosecutor General of certain offences will be made more effective. The aim for the future is that the Office would also receive more accurate information on crimes against minorities, which would enable it to take more effective measures to monitor this phenomenon and intervene in it.

96. In addition, offences involving racist motives are monitored in connection with inspections of the offices of the local prosecutors. At the inspections to be made in 1999 by the Office of the Prosecutor General, attention will be paid to compliance by district prosecuting authorities with the above mentioned instructions.

97. The Office of the Prosecutor General, after being informed of the concluding observations and recommendations of the Committee on the Elimination of Racial Discrimination, has communicated these to all local prosecutors.

Economic, social and cultural rights

98. The Committee on the Elimination of Racial Discrimination has paid attention to the situation of immigrants and the Roma, particularly with respect to housing, high rate of unemployment and education problems. Additional measures should be taken at the State and municipal level to alleviate the situation of the Roma and of immigrants in these fields.

Right to work and subsistence

(i) Discrimination in the labour market

99. The prohibition of discrimination has been included in the Contracts of Employment Act (320/1970) and its observance is thus supervised by the authorities protecting safety and health at work. If there are reasonable grounds to suspect that the employer is guilty of discrimination, the said authorities shall report the case to a prosecutor.

100. In practice, authorities seldom become aware of cases of discrimination, as such cases are rarely reported. Where employment protection authorities are informed of possible discrimination, they have the possibility to investigate the matter by usual means of supervision and, if necessary, report the case to a prosecutor.

101. Basic training materials have already been elaborated for officers responsible for protection, but no training has been given so far. The promotion of equality - meaning the equal treatment of persons irrespective of sex, age, nationality or race - is included in the training of officers.

(ii) The employment situation of immigrants

102. The situation of immigrants and other groups under threat of exclusion from the labour market is to be taken into account at all levels of action of the employment administration. The employment administration has for its part implemented measures that strengthen the position of immigrants in the labour market (see below).

103. The high unemployment rate of immigrants has been partly due to insufficient knowledge of the Finnish/Swedish language. The new Act on the Integration of Refugees and Reception of Asylum-Seekers will provide each immigrant in need of support with an opportunity to have an individual plan of integration and an integration subsidy, which will, together with other measures, reduce unemployment among immigrants. The new Act gives better possibilities than before to focus on the special status of immigrants and their integration into Finnish society. The most important objectives of the Act are to promote the employment of immigrants and to encourage them to seek further training, as well as to help immigrants to get on economically and socially and thus promote the implementation of fundamental rights and human rights. The Act also aims to improve immigrants' possibilities to participate in and influence Finnish society, as well as to develop interaction and tolerant attitudes, including good ethnic relations between immigrants and the majority of the population. The Act is applied retroactively to those who immigrated to the country two years before the Act entered into force on 1 May 1999. Special measures will be needed, however, with regard to immigrants who have lived in the country longer than that and to whom the Act will not apply. Immigrants are entitled, as a part of the new integration subsidy, to unemployment benefit if they participate in the implementation of a programme promoting integration.

104. The total unemployment rate of immigrants (of foreign nationality) was estimated to be 39 per cent at the end of the year. A year earlier, the corresponding figure was 44 per cent. It was mainly the unemployment rate of people who had immigrated to the country voluntarily, as distinct from refugees, that came down, whereas the unemployment rate of refugees still remained high. In 1998, there were in total 6,300 immigrants in the labour market. There were 4,900 foreign nationals subject to measures promoting employment and 8,100 foreign nationals enrolled in training promoting employment. A recent study on the integration of refugees in Finland in the 1990s revealed that there are considerable differences in the unemployment rates of immigrants of different nationalities. It also revealed that those with university education rarely find employment that would correspond to their education and previous work experience.

Further, it was found that an employer's positive experience with an employee of immigrant background paves the way for others and facilitates a "chain employment" mechanism. Reference is made to the study attached to this report as appendix 5.

105. The employment of immigrants has been promoted significantly with the help of, inter alia, long or short periods of practical training which have been carried out, for example, in the framework of European Social Fund (ESF) programmes. The largest project addressed to immigrants is an integration project leading to working life, in the framework of which integration and employment plans were created for 600 Finnish repatriates to prepare them for working life. Also, in the area surrounding the capital, where over 40 per cent of immigrants live, a two-year employment project for immigrants, subsidized by the EU, and of which positive results are expected, was launched in May 1998. Similar employment projects have also been addressed to refugees. Moreover, business initiatives of immigrants have been encouraged, e.g. with cooperation projects.

106. Since the responsibility for the integration of immigrants into society was transferred to the Ministry of Labour in 1997, special attention has been paid to the employment of immigrants. The employment authorities carry out measures in order to strengthen immigrants' employment qualifications by taking them into account at all levels of administration and planning special and supplementary measures targeted at immigrants. The Integration Act serves as one example of such a measure which, as mentioned above, requires cooperation between various authorities and immigrants.

107. The employment administration has produced and continuously developed material addressed to immigrants, providing information on living and working in Finland. There is a guide available in Finnish, Swedish and English for those moving to Finland, and it can also be found on the Internet. Brochures about the services provided by the employment administration have been translated into several languages. Employment agencies provide foreigners with advice and guidance on questions relating to work and education and, if necessary, encourage them to contact other authorities.

(iii) The employment situation of the Roma

108. With regard to the needs of the Roma population, special training programmes have been created, with the aim of promoting their employment in their traditional fields as well as providing general vocational abilities. The training and employment project for the Roma people, Romako, which was referred to in the previous report, was carried out in the Province of Southern Finland in 1997-98. It became a national project in 1999. The objective of the project, subsidized by the European Social Fund and extending to the year 2000, is to help non-educated Romas to acquire the basic education they lack and thus give them an equal status in the labour market with the rest of the population.

Right to housing

109. In a national programme related to the United Nations International Year of Shelter for the Homeless in 1987, particular attention was paid to the situation of the Roma and immigrants.

The programme for the years 1987 to 2000 aims at eliminating homelessness and improving deficient housing conditions. The Ministry of the Environment allocates funds to a foundation providing housing, the Housing Fund. The same foundation has also received significant contributions from the national Slot Machine Association. Individual help, support and care are closely connected to housing services, and are provided by the municipality or parish in question.

110. Since the mid-1980s homelessness has been reduced by half in Finland. In 1986 there were 18,000 homeless persons, whereas in 1998 there were 10,000 homeless persons and approximately 500 families who were temporarily without dwelling. Each year the Housing Fund gathers information from the municipalities on the number of homeless persons, in addition to other basic facts.

111. Since 1985, on the basis of a government decision-in-principle concerning the objectives of municipal social welfare and health care services, the Ministry of Social Affairs and Health has each year drawn the attention of the municipal authorities to the problem of homelessness. In accordance with the decision-in-principle, the municipal social welfare and health care authorities shall enter into effective cooperation with housing authorities, in order to provide rental apartments, adequate housing services and domestic help. The decision-in-principle also calls for participation by the social welfare and health care authorities in municipal projects aimed at the development of suburbs, with an emphasis on housing and construction. Without special measures social problems accumulate, especially in those suburbs where the unemployment rate is high.

112. In certain significant projects the Ministry of Social Affairs and Health has paid attention to the problem of homelessness, also in respect of the Roma and immigrants. Financing received from the EU Structural Funds has also been allocated for the reduction of homelessness. In connection with relevant projects between different ministries the aspects of social inclusion and exclusion, as regards for example urban planning, are taken into account.

113. The social welfare legislation provides several possibilities for preventive action, as well as activities and structural changes increasing and supporting well-being. The social welfare and health-care policy may, within the legislative and financial framework, be efficiently used by municipal housing authorities. Such use includes, for example, selection of tenants for municipal rental apartments, constituting approximately 50 per cent of rental apartments available, prevention of evictions from apartments and aftercare.

114. The social welfare authorities play a significant role in providing housing in cases where the resident is unemployed or has for some other reason inadequate income, and is thus in need of income support to be able to pay the rent. The social welfare authorities are also able to provide housing and related services in cases where the resident is in need of permanent support and care. The purpose is only to support and supplement municipal housing services, and not to transfer the main responsibility and duties to the social welfare authorities. The most important form of housing is the residential homes provided for the elderly and disabled people. There are also a significant number of subsidized apartments for those who are not in need of permanent support and care.

Right to social security and social services, public health and medical care

115. The right to national social security on account of old age, disability for work or death, as well as child benefits and sickness insurance (including parental benefits), is based on residence in Finland. In addition, all persons working in Finland are entitled to pension insurance and accident insurance, and to unemployment benefit. Unemployed persons have the right either to a basic benefit or, in cases where they are members of an unemployment benefit society, to a benefit determined on the basis of earlier income. These rights to social security belong to all, irrespective of race or national or ethnic origin.

116. Furthermore, an amended Income Support Act (1412/1997) relating to the fundamental rights reform of 1995 entered into force on 1 March 1998. The Act provides concrete measures for the implementation of section 15a of the Constitution Act, according to which "everyone who is unable to procure the security required for a dignified life shall have the right to necessary subsistence and care". According to the Income Support Act, income support is a benefit to be granted to a person or family as a last resort. A person who is in need of financial support and who is not able to make his living in any other way, for example by work or business activities or with the help of other social benefits, is entitled to income support. The purpose of income support is to ensure the income which is necessary for a humane life and which promotes the independence of the person or family. The Act vests in municipal authorities the responsibility for deciding on the granting of income support.

117. According to a doctoral dissertation published in June 1999 by the University of Kuopio, not enough attention is paid to the specific needs of immigrants by public medical care services. Insufficient knowledge of foreign languages and cultures by medical care personnel is one of the problems the study revealed. Every sixth person among the personnel included in the study considered their attitudes as racist. Yet, the attitudes of the medical care personnel usually did not differ from those they had towards other groups of patients. The study further revealed that immigrants were in general satisfied with the quality of the medical care services available in Finland.

Right to education and vocational training

(i) Educational situation of immigrants

118. In accordance with the Government Programme on Immigration and Refugee Policy, measures have been taken in order to improve the educational status of immigrants in particular. The entire school legislation was amended as from the beginning of 1999, including the Comprehensive Schools Act (628/1998), the Upper Secondary Schools Act (629/1998) and the Act on Vocational Training (630/1998). In accordance with the Comprehensive Schools Act, all children residing permanently in Finland have both the right and the duty to go to comprehensive school. Education is thus compulsory also for immigrant children.

119. Furthermore, the law provides that the native language of an immigrant child may be taught as his or her mother tongue, in accordance with the choice of the child's custodian. The mother tongue is taught both at the primary and secondary levels of education and in the basic

vocational training. Immigrant children and other students may study either Finnish or Swedish as a second language. Also, in the matriculation examination, foreign students may choose to take a test in Finnish or Swedish as a second language, instead of taking Finnish or Swedish as a first language. As a consequence of a lack of qualified teachers and sufficient resources, not all immigrant children have the possibility to study their mother tongue in practice. This is also due to the fact that, particularly in small towns, there may only be one or two children who speak the same mother tongue in a school. As regards religious education, groups of at least three children shall be provided with religious education in accordance with their religious conviction, if their custodians so require.

120. In addition to ordinary educational services, there are special support services for immigrants. Immigrant children shall be provided with education preparing them for comprehensive school. Moreover, remedial instruction is provided both at comprehensive school and at secondary school. In the case of dropping out of school, it is possible for basic education to be provided through special arrangements. Immigrants may also be provided with education preparing them for vocational education.

121. In addition to training promoting the employment of immigrants, the curriculum for which was drawn up by the National Board of Education in 1997, adult immigrants may receive vocational training, as well as other training familiarizing them with Finnish society, arranged together with voluntary educational organizations. The overall objective of the arrangements is, by providing immigrants with some form of education or training, to direct them either to further education or to working life, or to integrate them into society.

122. The requirements of the elimination of discrimination and the promotion of tolerance are taken into account in the content of basic studies in different curricula and degrees, career training for teachers and various educational and teaching material.

(ii) The Sami language

123. According to the new Comprehensive Schools Act, the language of instruction at schools shall be either Finnish or Swedish, but it is also possible to have Sami, Roma or sign language as the language of instruction. However, the arrangement of education in the Sami language is at the discretion of schools.

124. In addition, the Sami language may be taught as the mother tongue in accordance with the choice of the child's custodian. It is further provided that pupils and students, whose mother tongue is Sami, Roma, sign language or the language of an immigrant group, may be given education in their own language for at least two hours a week.

125. In accordance with a government decision, municipalities and other bodies organizing education are granted State subsidies for arranging the teaching of and in the Sami language in the Sami Homeland, at comprehensive schools and upper secondary schools and in vocational education. The groups for which teaching of and in the Sami language is arranged should have at least five students. The municipalities have a statutory right to the said State subsidies. The Government budget contains a separate allocation for the promotion of the Sami culture and the

activities of Sami organizations. In accordance with the cultural autonomy of the Sami people, the Ministry of Education transmits this allocation to the Sami Parliament which decides on its use. In 1998 the allocation was Fmk 1,000,000.

(iii) Educational services provided to the Roma

126. There are roughly 1,500 to 1,700 Roma children of school age in Finland. Their participation in school education has improved, but some Roma children still drop out of school every year. This means that, in order to promote the school attendance and to prevent the dropping out of school of Roma children, it is necessary to study their dropping out of school and the reasons for it, employ Roma school assistants in those schools that have Roma pupils and establish special support groups, in accordance with the principle of early intervention, by means of which it would be possible to intervene in arising problems.

127. The Roma living in Finland speak either Finnish or Swedish, which are the official languages. The Roma language is spoken best by the ageing population, whereas the young Roma have a more passive knowledge of the language. With reference to the above-mentioned Comprehensive Schools Act, it is now possible to arrange education also in the Roma language, even if it is at the discretion of schools. The Roma language may thus be taught as the mother tongue in accordance with the choice of the child's custodian. The Act further provides that pupils and students whose mother tongue is Roma may be given education in their own language for at least two hours a week. There were some 220 to 240 children participating in such education between 1997 and 1998. Problems in the arrangement of teaching of the Roma language have been caused both by a lack of resources and teachers, as well as by a deficient education of teachers.

128. A grammar of the Roma language was published in 1997 by the National Board of Education. The book is directed to teachers of the Roma language and meant for self-education. It also supplements the textbook used at the lower level of comprehensive school. Further, career training for Roma language teachers is arranged annually. A working group is preparing the basic principles for the degree of an instructor and special instructor of the Roma culture.

129. In this connection it is to be noted that, in the Roma culture, information has traditionally been disseminated orally. In accordance with this tradition, the Roma language is taught by persons of Roma origin. This has been taken into account also in the application of article 7, paragraph 1, of the European Charter for Regional or Minority Languages. Already before the Charter entered into force the Roma community in Finland has agreed with the National Board of Education on a restricted distribution of the Roma language textbook, taking into account these traditions.

130. The prospect of employment is among the means of motivating school attendance. Therefore it is essential both to promote employment among the Roma, and to plan and carry out employment-promoting projects combined with long-term educational and training programmes. The Romano Mission launched a project called "From School to Working Life" in Jyväskylä and in some other municipalities in the region of southern Finland and southern Ostrobothnia. The

main object of the project is to prevent social exclusion of the Roma youth by supporting and encouraging them in their studies, starting as early as in nursery school. The project will continue until the end of 1999.

131. In addition, education of Roma contact persons is arranged annually. At present, the activities of the contact persons are semi-official and mostly based on voluntary work. Local social welfare offices often provide well-equipped facilities for different work activities, whereas the work itself is financed by employment subsidies or fees.

132. Furthermore, there is an increasing interest among the Roma people in adult vocational training. On account of low or insufficient basic education, the adult population still is in need of educational services that are specifically directed to them and designed to promote employment.

(iv) Access to any public place

133. The Committee on the Elimination of Racial Discrimination has drawn attention to incidents involving denial of access to public places for some persons on the basis of their ethnic or national origin.

134. This phenomenon was also demonstrated by a test made by the largest daily paper in Finland. The newspaper tested to what extent the Roma had access to restaurants in the capital district, and the test gave an unfortunate picture of compliance with the law by the restaurants. Although discrimination in business activities is prohibited under the Finnish Penal Code, the access of Roma to several restaurants was denied on the basis of various excuses. On account of the result of that test, Mr Ole Norrback, former Minister for European Affairs, made a request in 1998 for an investigation to the Prosecutor General, who undertook to monitor measures taken by prosecutors in respect of discrimination.

135. As mentioned above, in 1998 some 10 offences against persons of foreign origin were reported to the Office of the Prosecutor General, in accordance with his instructions. In two cases a restaurant owner was suspected of a discrimination offence, having prohibited the entry of persons of Roma origin into the restaurant.

Article 6

Cases of discrimination and assault in courts of first instance

136. The Committee on the Elimination of Racial Discrimination has expressed its concern over the growing number of racist acts that are occurring in the country, a fact acknowledged by the Government. According to the Committee, despite this increase, in relatively few instances have judicial proceedings been initiated over incidents of racial discrimination, including those in the labour market. The Government was requested to provide information on the extent to which members of vulnerable groups are in practice protected against the forms of discrimination listed in the Convention. Information was also requested on cases concerning

individuals who have been prosecuted for acts of racism, including membership in or collaboration with racist organizations or groups, as well as on compensation provided to victims of racial discrimination, especially in the labour market.

137. The following table shows the number of charges raised and judgements pronounced in the courts of first instance, in cases concerning ethnic agitation and discrimination in the period 1990-1997. The provisions on crimes against humanity, that were removed from chapter 13 to chapter 11 of the Penal Code, were amended by Act No. 578/1995. The amendments entered into force on 1 September 1995. The former appelation of ethnic agitation was incitement to racial hatred. Crimes under both appelations are included in the table. In addition, the courts are dealing with other offences which may have racist motives, such as insult, assault and malicious mischief. Such offences, however, are not included in the following tables.

138. Police statistics relating to offences brought to the attention of the police and solved by the police, as regards ethnic agitation and discrimination, are only available from 1996 onwards.

Ethnic agitation

Year	Number of offences brought to the attention of the police	Number of offences solved	Number of accused	Number of sentenced
1990			1	1
1991			0	
1992			0	
1993			5	1
1994			0	
1995			0	
1996	6	4	0	
1997	4	3	2	2

Discrimination

Year	Number of offences brought to the attention of the police	Number of offences solved	Number of accused	Number of sentenced
1990			4	1
1991			10	5
1992			10	10
1993			1	1
1994			12	11
1995			15	9
1996	46	29	12	9
1997	36	29	11	9

139 As the statistics indicate, in 1995-1996 no charges were raised on ethnic agitation, in 1997 a sentence was imposed in two cases. The statistics on charges raised and judgements pronounced in 1998 are not yet available, but according to the information acquired, at least one sentence was imposed last year for ethnic agitation. In 1999, for which no statistics are available yet either, there seems to be a significant rise in the number of charges raised for ethnic agitation. By the end of May 1999, over 10 charges have been raised for ethnic agitation and in some cases the offender has been convicted.

Summaries of some cases

140 The courts are increasingly faced with offences with racist motives. Judgements given in such cases are usually reported in the newspapers, which has a considerable effect on the attitudes of the public. An important case for the raising of awareness has, for example, been a case before the District Court of Kajaani and subsequently, the Court of Appeal of Eastern Finland, where a teacher was ordered to pay fines and compensation on the grounds that he had called a 14 year-old-black girl a negro. The teacher was found guilty of insult under the Penal Code. The Court considered that the teacher had used the word, the negative meaning of which he must have understood, to insult the girl. The ruling of the District Court was upheld by the Court of Appeal in October 1998.

141 On 28 January 1999 a member of the Turku town council and a candidate for election to Parliament was sentenced to fines by the Turku District Court for ethnic agitation. The member of the town council had placed 25 racist signs at a football field used by Somalis. The court reasoned its judgement by referring to international conventions to which Finland is a party that prohibit racist discrimination, and to the provisions of the Finnish Constitution Act. In February 1999 the leaders of the political party, True Finns, unanimously excluded the said member from the list of candidates for election to Parliament, on the grounds that he had acted in violation of the principles enshrined in the Charter of European Political Parties for a Non-racist Society signed by the party.

142 In May 1998 the District Court of Lapland fined a defendant for ethnic agitation in a case concerning dissemination of racist views over the Internet. The conviction was upheld in early 1999 by the Court of Appeal of Rovaniemi, which referred to articles 1 and 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and chapter 11, section 8 of the Penal Code as grounds for its judgement.

143 In April 1999 the District Court of Helsinki issued an admonition in a case where a conscript of Gambian origin had been called a negro by his superior. The superior military officer was found guilty of a service infraction. The plaintiff has appealed against the judgement.

144 In June 1999 the Helsinki District Court sentenced a couple to a fine for discrimination at work, for having employed a housekeeper of Philippine origin for several years without paying her a reasonable salary. Since 1992 the salary of the housekeeper was Fmk 1,800 per month, whereas the reasonable salary would have been Fmk 4,000, and since 1997 Fmk 4,700 per month. In addition to the salary the employers provided the housekeeper with a flat and covered

half of the expenses of her annual visits to the Philippines. The defendants denied the accusations, claiming that they did not consider having acted as employers but rather considered the housekeeper as being a family member.

145. A state prosecutor, by order of the Ministry of Justice and the Office of the Prosecutor General, raised charges for ethnic agitation in a series of acts that took place in Helsinki and Joensuu. The defendants were alleged to have disseminated among the public communications, in which racial and ethnic groups or other similar groups were threatened, slandered and insulted. These acts were considered to comprise ethnic agitation, inter alia, within the meaning of the International Convention on the Elimination of All Forms of Racial Discrimination, chapter 11, section 8 of the Penal Code and also, in the case of printed material, the Act on the Freedom of the Press. In June 1999 the Helsinki District Court imposed a conditional sentence for ethnic agitation on two of the defendants, who were leaders of the Association of the Finnish People. It was the first time a conditional sentence, instead of a fine, was imposed for ethnic agitation. A third defendant was fined for ethnic agitation. The offences included distribution and sale of material, stickers and posters that were hostile to refugees. The Court found that the purpose of the distribution of such material was to spread hostile attitudes and to label refugees as a group. The defendants justified the acts by invoking freedom of speech and by claiming that their intent was to start a debate on refugee policy. All three convicted persons have appealed against the judgement. Furthermore, in June 1999 the Joensuu District Court sentenced five so-called skinheads to a fine, finding them guilty of ethnic agitation, for having made and distributed some 30 T-shirts with racist printings. The T-shirts were found in 1997 by the police, in connection with a raid on a skinhead club.

Freedom of the press

146. As mentioned in the previous report, matters concerning freedom of the press are relatively rarely submitted to the consideration of the Ministry of Justice. In 1997 the Ministry of Justice ordered the public prosecutors to bring charges against a reporter of an ultranationalist paper for insulting black people and refugees. The reporter was convicted. This year the Ministry of Justice has suggested to the State Prosecutor that charges be raised in the above-mentioned series of acts in which sentences were imposed for ethnic agitation in June 1999. These acts have been investigated by the Ministry of Justice only in respect of the violations of the Act on the Freedom of the Press. In its decision, the ministry considered that different kinds of printed works, originally put into circulation in Helsinki, had been sold, offered for sale and displayed, together with other things, in the flats de facto occupied by skinheads in Joensuu in such a way that the youth spending time in the flats had had an opportunity to acquire knowledge of the contents of these printed works. The case was being considered at the Helsinki District Court only in respect of the violation of the Act on the Freedom of the Press. As mentioned in paragraph 10 above, new legislation is being drafted on the exercise of the freedom of the press. The aim is to repeal the Act on the Freedom of the Press at the same time when new legislation is enacted.

Cases considered by the Prosecutor General

147. The supreme prosecuting authority in Finland, the Office of the Prosecutor General has, by virtue of the Decree on the Office of the Prosecutor General (209/1997) placed all the district

court prosecutors under an obligation to report to the Office of the Prosecutor General all offences that are suspected to have a political or racist motive. Some offences have already been reported. If necessary, the Prosecutor General may intervene in a prosecutor's action, if it is considered that the prosecutor's attitude has been too lenient or severe. In such cases the Office of the Prosecutor General itself may proceed with the prosecution.

148. According to the information provided by the Office of the Prosecutor General, most prosecutors have not handled any offences against minorities on account of their ethnic, cultural, language or religious identity. For example, in the past 12 months charges have been raised on account of discrimination against the Roma people in only a few cities. In about 14 cases there has been a waiver of charges, in some cases because the evidence has been deemed to be insufficient and in others the charges have been dropped because the litigants have reached an amicable solution.

149. In December 1997 the Deputy Prosecutor General, on account of a complaint, ordered charges to be raised in a case where the local prosecutor had decided not to prosecute. The case involved a superior military officer who had insulted a subordinate belonging to an ethnic minority, by pejorative words describing ethnic origin. The Deputy Prosecutor General justified his decision, inter alia, by the growing number of racist acts that are occurring in Finland and by their increasingly serious nature, which tends to make it difficult and even dangerous for ethnic groups, whose outward appearance is distinguishable from that of the ethnic majority of the country, to live in Finland. Thus it is considered that the public interest requires the prosecutors also, along with other officials, to fight against these negative phenomena by all measures available.

150. In December 1998 the Deputy Prosecutor General, on account of a complaint, ordered charges to be raised in another case where an authorized representative of a limited company engaged in commerce had, without legal right, threatened a person belonging to an ethnic minority with cancellation of his residence and work permits if he did not remove the terrace of his restaurant. The local prosecutor had not raised charges in this case.

151. In addition, a State prosecutor, by order of the Ministry of Justice and the Office of the Prosecutor General, has also raised charges on account of ethnic agitation in the above-mentioned cases in Helsinki and Joensuu, in which judgements were issued in June 1999.

Cases considered by the Parliamentary Ombudsman

152. As for the supervisory functions of the Parliamentary Ombudsman, the issue of discrimination has mostly come up in connection with the language used by public officials. The Parliamentary Ombudsman has, for example, intervened in the use of the word "negro" by the police and in a prosecutor's public statements. There have been some recent complaints made by the public to the Parliamentary Ombudsman, concerning the situation of the Roma, the Sami and immigrants. The Parliamentary Ombudsman has also intervened in some matters on his own initiative.

153. Attention has been paid especially to the treatment of conscripts who belong to minorities, by carrying out on-site inspections where, in general, no major problems have been

brought to the attention of the Parliamentary Ombudsman. However, there is a recent case which raised public interest. The Parliamentary Ombudsman intervened on his own initiative in a case concerning an interview published in a newspaper in April 1999 in connection with the above-mentioned proceedings concerning the military in the Helsinki District Court. According to the interview, the military lawyer who acted as a prosecutor in the case stated that he was of the opinion that calling a conscript of Gambian origin a negro was a minor matter, and did not require court proceedings. Nor did he find the word "negro" offensive. Consequently, in April 1999 the Parliamentary Ombudsman requested the Defence Staff of the Armed Forces to submit an explanation of what was meant by the statements of the military lawyer. The Parliamentary Ombudsman also requested an opinion on whether the said military lawyer had properly performed his duties as a public prosecutor and whether his statement was in conformity with his capacity as a public official, bearing in mind, inter alia, the obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. In its reply to the Parliamentary Ombudsman, the Defence Staff expressed the opinion that the statement was to some extent imprudent and that the use of the word "negro" was not acceptable in any circumstances during the performance of official duties. As for the prosecution, it was considered that the military lawyer had performed his duties properly.

154. Racism and police operations were given special attention in the on-site inspections of the police carried out by Deputy Parliamentary Ombudsmen. In fact, the city police departments of the districts of Mikkeli, Kuopio and Joensuu in the province of Eastern Finland were chosen as the objects of the inspection, because there had been allegations of racism in these particular police departments. However, no support was found for such allegations during the inspections.

155. Perhaps the most obvious discrimination case recently has been the complaint by the Advisory Board for Romani Affairs on defamatory writings on the Roma people and other ethnic minorities written by a police officer and published in a newspaper which is in free distribution in Helsinki. The writings have given the impression that certain minorities would be particularly inclined to commit crimes. The writer has himself explained in public that his writings were in fact intended to stigmatize an ethnic minority, because the writer believes in the preventive power of stigmatizing writings. The main problem with the writings was that the public had been given the impression that the writings of the police officer were part of official information provided by the police. The superior officers of the writer had in fact tried to subject the writings to censorship, but the writer had refused and invoked his right to freedom of speech. The writing had continued despite the admonition received by the writer. The writing did not stop until the Parliamentary Ombudsman delivered a request for an explanation on the matter to the Minister of the Interior, who is responsible for issues concerning the police, in September 1998. It was then that the police command dissociated itself publicly from the racist writings and initiated a pre-trial investigation to find out whether the writings of the police officer in question amounted to an offence. However, the district prosecutor took a decision not to prosecute, despite the fact that the issue was at the same time under the investigation of the Parliamentary Ombudsman. The Parliamentary Ombudsman has also requested an explanation from the district prosecutor on account of the non-prosecution that the Parliamentary Ombudsman considers as irregular process. The police officer who is the author of the writings has for his part reported an offence, alleging that the Parliamentary Ombudsman is guilty of defamation, because he has intervened in the writings.

156. Recently, two similar cases have been brought to the attention of the Parliamentary Ombudsman, who is considering intervening in the cases on his own initiative. In one case, an article written by a police officer suggested that certain minorities would be particularly inclined to be involved in criminal behaviour, giving an impression that this was the opinion of the local police department. On account of the article, which was published in a newspaper in Nivala, a request was submitted in July 1999 by a private person to the police to carry out an investigation. The investigation of the alleged offence of the police officer has been taken over by a public prosecutor, to whom the request has been transferred by the police. In another case the police issued a press release in connection with a quarrel that occurred near a kebab restaurant in Eastern Finland. The police first issued a misleading press release in which it was stated that the restaurant owner of Turkish origin had assaulted a customer. The restaurant owner was heard on the incident by the police only a couple of days later, and a new press release was issued on the actual course of events.

Reparation for damages suffered as a result of offences with racist motives

157. The Damages Act (412/1974) shall be applied with respect to compensation for damage. As a general rule, anyone who wilfully or through negligence causes damage to another shall be liable to compensate for it. Also, a public body shall be liable to pay compensation for damage caused in the performance of an act involving the exercise of public authority. The provisions of the Damages Act relating to personal damage shall be applied also to suffering caused by an offence against a person's freedom, honour or home or other corresponding offence. This provision, section 6 of chapter 5 of the Damages Act, is, inter alia, applicable to cases of discrimination. Damage to be compensated for includes personal injury and damage to property. A person who has suffered personal injury is entitled to damages for expenses resulting from the injury, for loss of income, for pain and suffering - including mental suffering - as well as for permanent injury. The aim is to compensate for the actual damage suffered on the basis of evidence adduced. Yet, according to the Code of Judicial Procedure, the courts shall have the competence to evaluate the damage according to fairness where no evidence has been adduced as to the amount of the damage. As regards the procedure, the Criminal Procedure Act (689/1997) provides that a claim concerning compensation for damage may be dealt with in the same proceedings with the criminal offence from which the damage results. Such a claim can also be considered separately in connection with civil proceedings.

158. There are no collected data available on court practice concerning the consideration of damages. Usually, however, compensation is awarded to the victim for damage caused by offences such as assault, causing of injury, insult and discrimination. The amounts of damages are generally speaking moderate compared to those awarded in some other countries.

159. There are some cases where damages have been awarded in relation to offences with a racist motive. For instance, already in 1981 the Supreme Court found a restaurant owner guilty of discrimination for having denied access to a woman of Roma origin to a restaurant owned by the defendant. Access had been denied on the basis of the traditional Roma clothing of the plaintiff. The restaurant owner was sentenced to a fine under the Penal Code and to pay

compensation to the plaintiff for mental suffering caused by the discrimination, in accordance with chapter 5, section 6 of the Damages Act. In the above-mentioned case, the Court of Appeal of Eastern Finland ordered a teacher to pay fines for insult under the Penal Code, on the grounds that he had called a 14-year-old black girl a negro. Compensation was awarded in accordance with the Damages Act.

Article 7

Education and training

Human rights education in general

160. Education at all school levels is based on national guidelines established by the National Board of Education. Those guidelines provide for different aspects to be taken into account in school education, such as cultural identity, cultural diversity and internationalization. Multicultural education places emphasis on the understanding of different cultures and respect for human rights. As regards vocational education, the national guidelines, which have been revised in 1999, provide for the importance of understanding ethics.

161. On the basis of the national guidelines, municipalities and schools elaborate their own curricula, implementing the objectives set out in the guidelines in accordance with local needs. Ethics and respect for human rights have been introduced in school curricula in different ways. Human rights education in practice however, depends to a great extent on the interest in human rights and the knowledge of the teacher. Non-governmental organizations have provided direct support to schools in arranging human rights education.

162. The basic training of teachers includes human rights education, and certain universities even have specific courses on human rights. Further education of teachers in ethics, and educational material on the diversity of cultures and human rights are provided both by the authorities and by non-governmental organizations. Some organizations have expressed interest in creating shared lists of their materials, in order to enhance the continuous use of the materials produced on different topics each year.

163. In 1998 the fiftieth anniversary of the Universal Declaration of Human Rights was celebrated in different ways, for example, in schools. The Finnish United Nations Association arranged lectures at schools and published a book which was mainly targeted at upper secondary schools. Among other things, the book deals with the domestic and international obligations of Finland to prevent and combat racism.

164. The Finnish National Commission for UNESCO published a handbook for teaching human rights at comprehensive schools. The National Board of Education opened human rights pages in connection with its Internet home pages, containing the text of the Universal Declaration of Human Rights, and different tasks and competitions to facilitate learning.

Training of public prosecutors

165. Human rights are paid attention to in the training of public prosecutors. Since 1996 the initial training of prosecutors has included a programme on foreign cultures and national minority cultures, as well as on human rights and fundamental rights. The purpose of this programme is, inter alia, to deepen the prosecutors' knowledge and understanding of foreign cultures in order to facilitate their understanding and judgement of conflict situations which may occur between different cultures. Representatives of various minority groups have given lectures in connection with the programme.

Culture

Support to minority cultures and work against racism

166. The Ministry of Education provides support for groups representing minority cultures and for non-governmental work against racism in accordance with the following principles. Groups representing minority cultures for which financial support can be granted include ethnic and linguistic minorities, as well as immigrants, refugees and asylum-seekers. Support is given to these groups for preserving their own cultures and identities. The groups themselves have the right to choose the appropriate means for this. The rights and obligations of cultural minority groups are similar to those of any other groups or persons benefiting from financial support from the Government. The purpose of the financial support is to improve the integration of cultural minority groups into society and to create possibilities for them to use public cultural services and benefits. Financial support can be given for maintaining a language, financing events which promote cultural traditions, communication within the group itself, personal artistic and other cultural activities, improving cultural interaction between the minority cultures and the majority population, providing information on minority issues and combating racism and xenophobia.

167. In 1998 Fmk 2,000,000 was reserved for the promotion of cultural activities and publications of groups representing minority cultures and for combating racism. The subsidies are mainly provided to immigrants' own associations. The number of immigrants in Finland has increased during the 1990s, and the representatives of the new ethnic minorities have founded associations uniting the members of their groups. Other ethnic groups whose activities are subsidized are the traditional national minorities such as the Roma. Furthermore, the government budget contains a separate allocation for the promotion of the Sami culture and the activities of Sami organizations. The Sami Parliament decides on its use in accordance with its cultural autonomy.

168. The subsidies appropriated to cultural minorities are mainly designated to cultural and publication projects. The funds allocated to work against racism are designated mainly to projects against racism and xenophobia of different associations. Some funds are also allocated to local anti-racist projects. The projects are mostly development and experimental projects, and their aim is to promote tolerance by means of cooperation between ethnic minorities and the majority of population or by means of addressing information to the majority population, especially young people.

The Sami culture

169. On 1 April 1998 the Inari Sami Museum, established in 1959, was opened in a new modern building called Siida which houses both the Sami Museum and the Northern Lapland Nature Centre. Siida is a centre with cultural and natural history exhibitions on the indigenous Sami people. It was partly funded by the European Agricultural Guidance and Guarantee Fund (EAGGF).

170. Positive development has taken place in the status of the Sami language and culture. The Sami culture has raised more and more interest in the entire country. Sami music, literature and films have been presented in festivals, on the radio and on television. The first doctoral dissertation was recently written in the Sami language at the University of Lapland. The public defence of the dissertation, which deals with Sami women writers, took place partly in the Sami language and partly in Finnish.

Other tolerance-promoting work

171. The combat against and prevention of racism is a relevant part of national implementation of the Community Initiative Urban of the EU, for example in Joensuu from 1996 to 1999. These activities are targeted at young people and residential districts, and cultural elements, such as music, are used as a means of promoting tolerance. Also in other target cities, in Helsinki and Vantaa, the integration of immigrants and the promotion of tolerance play a significant role.

172. The Church is also involved in work promoting tolerance through its various activities. The church community work carried out by the Evangelic Lutheran Church of Finland can be divided into support provided to immigrants and support provided to refugees. The Church also provides foreign aid to immigrants coming from Ingria. The parishes in Helsinki have several employees working with immigrants. Parishes provide different activities in foreign languages also in more than 10 of the biggest towns. Apart from the Evangelic Lutheran Church, the Orthodox Church and the Catholic Church have actively been working with those immigrants who are members of their parishes, and in the capital district the Pentecostal Church also has been active.

173. Furthermore, in March 1998 the Evangelic Lutheran Church arranged a seminar on racism in which more than 700 priests participated. At the end of the seminar the priests organized a demonstration on the stairs of the Helsinki Cathedral, announcing that "racism is sin". The strong expression of opinions by the Church attracted a lot of attention.

174. In addition, the National Church Board of the Evangelic Lutheran Church has set up a working group to consider how to develop church legislation so that attention will be paid to the representation of the Sami at the church assembly, and to the status of parishes where both Finnish and the Sami language are used. The working group has submitted a preliminary report on the representation of the Sami, suggesting that the Sami Parliament name one representative and two alternates to the church assembly. This proposal will most probably be implemented in the spring of 2000.

175 Innovative ways of promoting the status of immigrants in the labour market are emerging. For example, a businessman of Turkish origin who founded his successful company in 1995, has been named businessman of the year. In 1998, a Finnish electronics company was rewarded for employing immigrants. In addition, the Ministry of Labour is considering granting a special certificate to companies and associations that employ persons from various cultural backgrounds, such as immigrants. The certificate will probably be issued in November 1999 at the same time as the names are published of the first employers to whom the certificate will be granted.

Measures taken in the field of sports to promote tolerance

176 The new Sports Act (1054/1998) entered into force at the beginning of 1999. The objective of the Act is to promote tolerance and support multiculturalism.

177 Projects promoting tolerance in the field of sports have been carried out in the period 1996-1999 in cooperation with Finnish sports associations and the Finnish Sports Federation, which is an umbrella organization in the field of sports. The emphasis of activities has been on the local level. In four years the Ministry of Education has subsidized some 160 local, regional and nationwide programmes promoting tolerance through sports.

178 The Ministry of Education has commissioned a study for the purpose of investigating the participation of immigrants in sports activities, and the sports services directed to immigrants.

Media

179 In 1998, human rights were given a lot of attention in the mass media, partly due to the fiftieth anniversary of the Universal Declaration of Human Rights. Issues relating to immigrants and minorities have increasingly been addressed by newspapers and other mass media.

180 As regards services produced in different languages by the media, new legislation on radio and television operations entered into force at the beginning of 1999. As a part of the reform, Section 7 of the Act on the Finnish Broadcasting Corporation was amended (746/1998). The provisions on the duty to treat Finnish- and Swedish-speaking citizens equally and to produce services in the Sami language were amended, to ensure that services shall also be produced in the Roma language, in sign language and, where appropriate, in other languages spoken in the country.

181 In addition, the Sami people have their own radio channel, Sami Radio, broadcasing programmes in their home area for some 40 hours a week. There is also a television text service in the Sami language. The Roma have three quarterly papers published in Finnish and they contain some articles in the Roma language. Once a week a news programme in the Roma language is broadcast on a nation-wide radio network. The Finnish Broadcast Corporation also broadcasts news in Russian.

Information

Informing the public about the Convention

182. Having considered the thirteenth and fourteenth periodic report of the Government of Finland, the Committee on the Elimination of Racial Discrimination invited the State party to make its report and the Committee's concluding observations and summary records thereon widely available. The accepted individual communications procedure under article 14 of the Convention should also be widely publicized.

Publication of reports

183. During the past few years Finland has regularized both the preparation of national reports on the various human rights conventions and the dissemination of material relating to such preparation. First of all, apart from the authorities, at the beginning of the reporting process various non-governmental organizations, ombudsmen and advisory boards are invited to submit their views on what issues the Government should include in its report. Moreover, the Ministry for Foreign Affairs organizes a public hearing for non-governmental organizations and authorities before the national report is submitted.

184. As mentioned in the previous report, the Convention has been published in the Statutes of Finland Treaty Series. Furthermore, it has been published in Finnish, English and Swedish in the publication series of the Ministry for Foreign Affairs. This publication includes detailed information on the individual communications procedure under article 14 of the Convention. It is widely distributed and is also available at Edita book stores at a reasonable price. Furthermore, public databases, in particular those available on the Internet, are widely used in Finland. A digital database of statutes, which is accessible by public, has a Web site at http://finlex.edita.fi. The texts of international agreements in force in Finland will be included in this database.

185. The periodic reports of the Government of Finland, to which concluding observations of the Committee are attached, are published in Finnish and English. The reports are widely distributed both to the public and the authorities. The reports are also published on the Internet at http://virtual.finland.fi/ministry/english/humanrights.htm. The present report will also be made public.

186. The Committee's concluding observations submitted in March 1999 and a report on the hearing were distributed extensively to authorities, Parliament, the media and other interested parties. A press conference was also held.

187. The Ministry for Foreign Affairs is considering further ways to intensify distribution of information on the international human rights obligations of Finland, including those under the Convention on the Elimination of All Forms of Racial Discrimination, and on the periodic reports and the Committees' respective concluding observations.

Translations

188. With reference to the previous report, the Finnish Government had a translation made into Northern Sami of the International Covenant on Economic, Social and Cultural Rights, the European Convention on Human Rights and Additional Protocols 1, 4, 6 and 7, as well as of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The translations were completed in 1997. Northern Sami is the most commonly used of the three languages spoken by the Finnish Sami. In Norway there already exist translations, into a Sami language used by the Norwegian Sami, of the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The European Charter for Regional or Minority Languages was translated into Northern Sami in 1998.

LIST OF APPENDICES*

The initial report of Finland on the application of the Framework Convention for the Protection of National Minorities (Appendix 1);

The initial report of Finland on the application of the European Charter for Regional or Minority Languages (Appendix 2);

The report on the measures taken by the Ministries to implement the Decision-in-Principle on Measures for Promoting Tolerance and Combating Racism by the Anti-Racism Committee (Appendix 3);

Human rights and Finland's foreign policy - Report by Minister for Foreign Affairs Tarja Halonen to the Foreign Affairs Committee of Parliament on the Human Rights Policy of the Finnish Government, 11 November 1998 (Appendix 4);

The study on the Integration of Refugees in Finland in the 1990s (Appendix 5).

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* The appendices are available for consultation in the archives of the secretariat.

UNITED
NATIONS

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International Convention on the Elimination of all Forms of Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fifteenth periodic report of States parties due in 1999

Addendum

Norway[*]

[30 September 1999]

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[*] This document contains the fifteenth periodic report of Norway, due on 5 September 1999. For the fourteenth periodic report of Norway and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/320/Add.1 and CERD/C/SR.1232, 1233 and 1242.

The documents enclosed with the report submitted by the Government of Norway may be consulted in the Secretariat's file.

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Introduction

1. Reference is made to Norway's previous periodic reports, in particular to the twelfth and thirteenth periodic report, which were submitted in one document (CERD/C/281/Add.2), and to the fourteenth periodic report (CERD/C/320/Add.1). During the preparation of this report, due regard has been paid to the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD), which were adopted at its 1242nd meeting, held on 21 August 1997 (CERD/C/51/Misc.31). Due regard has also been paid to the general guidelines regarding the form and content of reports to be submitted by States parties under article 9, paragraph 1, of the Convention, which were revised by CERD at its 913th meeting on 22 March 1991 (CERD/C/70/Rev.2).

2. The present report is an update of Norway's twelfth, thirteenth and fourteenth periodic reports, and is largely devoted to the measures that have been adopted since the examination of these reports. The suggestions and recommendations made by the Committee in its concluding observations have been taken into account. To assist CERD in fulfilling tasks in accordance with article 9 of the Convention, reference is made to previous documents containing information of relevance to the examination of the present report.

3. Before the present report was finalized, a draft was submitted for comments to the Government's Advisory Committee on Human Rights. A number of NGOs working in this field were informed that the report was being drafted and a draft of the report was sent to the NGOs and other relevant bodies for comments in May 1999.

I. GENERAL

A. General legal framework

4. The general legal framework for the prohibition of racial discrimination has been described in previous reports. (See e.g. the third report (CERD/C/R.78/Add.9) and twelfth and thirteenth report (CERD/C/281/Add.2), paragraph 4, as well as the initial part of the reports submitted by Norway known as the "core document" (HRI/CORE/1/Add.6).) However, some major developments can be reported.

5. Reference is made to CERD's concluding observations (para. 18). Norway has incorporated the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and their protocols into domestic law in a new Human Rights Act (enclosure No. 1). The said instruments shall apply as statutory law insofar as they are binding on Norway. The interests protected by the Convention are safeguarded in various domestic provisions, in particular provisions in the Civil Penal Code. (Please refer to paragraphs 65 and 89 of this report concerning two court cases that illustrate this.) Article 110 (c) of the Norwegian Constitution and the provision setting forth the objectives and purpose of the new Human Rights Act emphasize that all human rights conventions are to be regarded as important sources of Norwegian law.

6. In August 1999 the Government decided to appoint a committee to draft, within a year, a new Act for combating ethnic discrimination. As part of its work, the committee is to consider how the Convention can be reflected more clearly in Norwegian law.

B. Demography and standard of living

7. Reference is made to Norway's twelfth and thirteenth report (paras. 5-16). The number of persons with an immigrant background in Norway rose by around 12,400 between January 1997 and January 1998, to a total of 244,705 persons, or 5.5 per cent of the total population. Persons with an immigrant background are defined as all those who were either born abroad or have at least one parent who was born abroad. The five largest nationalities represented are from Pakistan (20,924), Sweden (19,546), Denmark (18,388), Viet Nam (14,595) and Bosnia-Herzegovina (11,883) (enclosures Nos. 2 and 3). The latest figures on foreign nationals who have acquired Norwegian citizenship are enclosed (enclosure No. 4). The latest figures on the number of asylum-seekers, the number of residence permits and work permits granted and the number of persons granted protection and accompanying persons who have been granted family reunification are also enclosed (enclosure No. 5).

8. Reference is made to Norway's fourteenth report (paras. 41-44). A summary of a study conducted by Statistics Norway (SSB) in 1996 concerning living conditions among eight major immigrant groups in Norway is enclosed (enclosure No. 6).

C. Main policy principles

9. Reference is made to Norway's twelfth and thirteenth report (paras. 17-26) and fourteenth report (paras. 5-20), and CERD's concluding observations (para. 12). The following information may be added.

10. In January 1999 a new department was established at the Ministry of Local Government and Regional Development called the Department of Indigenous, Minority and Immigrant Affairs. As a result, efforts to combat racism and discrimination will be better coordinated and given a wider perspective.

11. The Government has presented a Plan of Action to Combat Racism and Discrimination for the period 1998 to 2001. The plan addresses governmental actions and focuses on the following areas:

- Legal assistance to persons who are victims of discrimination and measures to improve monitoring of the type and extent of racial discrimination;
- Measures taken by the police to deal with discrimination especially in restaurants, pubs etc.;
- Measures to prevent discrimination in the labour market and to promote equal opportunities;
- Measures in the housing market to ensure equal opportunities for all;

- Measures in primary and secondary schools to prevent racism and discrimination;
- Measures to increase multicultural understanding in key service sectors by improving the education of personnel;
- Measures in local arenas to support activities against racism.

By August 1999 the majority of these measures had been implemented or were in the process of being implemented. The plan will be evaluated towards the end of the period of operation.

12. In addition the Government has presented a Plan of Action for Recruiting Persons with an Immigrant Background to the State Sector for the period 1998 to 2001. The plan contains measures to reduce structural barriers to employment and measures targeted at the attitudes and expertise of the employers. Several governmental services have made their own plans of action, some including percentage targets for recruitment of new employees with an immigrant background. The plan is regarded as an important signal of the Government's desire to combat discrimination in the public administration. It will be evaluated towards the end of the period of operation. Please refer to paragraphs 77 and 87 of this report for more information.

13. On 11 September 1998 the Centre for Combating Ethnic Discrimination was established by decision of the King in Council. It was officially opened on 10 February 1999. For a trial period of five years the Centre, which is an independent governmental body, will provide professional legal assistance to individuals who are victims of discrimination on grounds of religion or belief, race, colour, or national or ethnic origin. It will also monitor the type and extent of racial discrimination in Norway. The Centre has submitted its own report to CERD. One of the main points in the Centre's report is that the existing legal framework does not offer sufficient protection against racial discrimination.

1. Reporting mechanisms

14. Reference is made to Norway's fourteenth report (paras. 21-23) and to CERD's concluding observations (paras. 12 and 19). One of the main challenges in the short run is the development of a registration system that will enable the Government to monitor racially related incidents and discrimination. The Directorate of Immigration and the Centre for Combating Ethnic Discrimination will collaborate with each other and coordinate their monitoring efforts. Both the Centre and the Directorate will present a report on the type and extent of racial discrimination from 2000. The Ministry of Justice and the Police will assist in the monitoring of racially related incidents by submitting data on reported cases and charges related to sections 135 (a) and 349 (a) of the Civil Penal Code recorded in the Central Register of Criminal Cases (STRASAK). In addition, the annual reports submitted by the NGOs working in this field are regarded as an important aid in providing a full picture of the type and extent of racial discrimination in Norway.

2. Appeals Board for Asylum and Immigration Cases

15. In March 1999 the Storting approved the establishment of an Appeals Board for Asylum and Immigration Cases. Until the Appeals Board is established the Ministry of Justice and the

Police handles appeals filed against decisions by the Directorate of Immigration. The new Appeals Board, a court-like body, is intended to improve the legal protection of asylum-seekers, and to ease the workload of the Ministry of Justice and the Police, enabling the Ministry to concentrate more on general policy issues. The Appeals Board will consist of judges and laymen who are appointed for four years at a time.

3. Human rights reports

16. A Minister of International Development and Human Rights was appointed in 1997 for the first time. In 1998 the Government presented an annual report on Norwegian efforts to promote and safeguard human rights. The report contains a relatively comprehensive description of measures taken in 1998 to improve the human rights situation in Norway and abroad, including measures taken to combat racism and discrimination. The report has been translated into English and distributed widely (enclosure No. 7).

17. The Government is preparing a Plan of Action on Human Rights. The plan will involve all parts of the governmental administration and will contain measures that aim at strengthening compliance with human rights obligations both in Norway and abroad.

D. Racial discrimination/racist attitudes/racially motivated violence

18. Reference is made to Norway's twelfth and thirteenth report (paras. 42-50), Norway's fourteenth report (paras. 21-24) and CERD's concluding observations (paras. 12 and 19). The registration of incidents of racism and discrimination is not yet satisfactory. However, existing registration shows a trend towards fewer acute, serious incidents of racially motivated violence in 1998 compared with previous years. On the other hand, there seems to be an increase in the number of reported incidents of discrimination or more subtle forms of unequal treatment, especially in the labour and housing markets. The Directorate of Immigration states in its Annual Report for 1998 that though serious incidents of racist violence and extreme right-wing activity seem to have declined in the last few years, racist harassment and threats continue to be a problem. The Anti-Racist Centre, an NGO, reports that incidents of extreme right-wing violence and terror seem to have declined in 1998, but underlines that this should not give the impression that such activity has ceased for good. Furthermore, both the Anti-Racist Centre and the Centre for Combating Ethnic Discrimination point out that there is reason to believe that only a small number of all racist incidents are reported to the police.

19. Racially motivated crime that falls within the scope of sections 135 (a) (criminal offences) and 349 (a) (misdemeanours) of the Civil Penal Code is being registered. The need for statistics on racially motivated crime is reviewed on a regular basis. The aggrieved person is not obliged to provide information regarding race, religion or nationality when filing a complaint. Information from the Central Register of Criminal Cases (STRASAK) shows reported cases and charges pursuant to the Civil Penal Code. Reported cases pursuant to section 135 (a): 66 in 1996, 47 in 1997 and 45 in 1998; charges: 1 in 1996, 2 in 1997 and none in 1998. Reported cases pursuant to section 349 (a): 6 in 1996, 14 in 1997 and 11 in 1998; charges: none in 1996, 1997 and 1998. Cases pursuant to these sections could be reported by several persons and are then registered as more than one case in this register.

20. Reference is made to Norway's twelfth and thirteenth report (para. 45). Each year Statistics Norway conducts surveys on the attitudes of the Norwegian population on a wide range of subjects, including attitudes towards immigrants. The 1997 survey revealed no significant changes in attitudes towards immigrants from previous years. However, the tendency is towards increasingly liberal attitudes towards immigrants (enclosure No. 8).

21. NOVA - Norwegian Social Research conducted a major survey among young people in Oslo in 1996. The responses show that girls generally take a somewhat more favourable view of immigrants than boys do. A majority of young people believe that in a number of fields immigrants make a valuable contribution to Norwegian society. However, young Norwegians are strongly opposed to immigrants maintaining their own culture and not adapting to Norwegian culture. In a list of 30 different youth groups which the young people were asked to rank by order of popularity, "young people who combat racism" is the group that scores the highest.

II. INFORMATION RELATING TO ARTICLES 2 TO 7

Article 2

22. With regard to paragraph 1 (a) of article 2, reference is made to CERD's concluding observations (para. 21).

The Interdisciplinary Advisory Group on Community Relations an Anti-Racist Work

23. Reference is made to Norway's fourteenth report (para. 21). The Interdisciplinary Advisory Group provides professional assistance to local communities. The Advisory Group is made up of 20 professionals who have experience in tackling acute situations involving racial violence and harassment. In order to ensure that the group's expertise is available to the county and municipal authorities when needed, the Directorate of Immigration has introduced a new measure whereby it will cover the cost of the first 10-14 hours of consultation. A new brochure is being produced that provides more guidance to the local communities on how to plan preventive measures and integrate approaches that will lead to better community relations.

24. The police have strengthened their efforts to combat racially motivated violence in certain communities, especially where neo-Nazi organizations are involved. In cooperation with local schools, some police districts are implementing measures to influence the attitudes of school pupils. The Oslo Police District has drawn up strategy documents concerning the police force's relations and work with ethnic minorities, including measures to prevent racially motivated violence.

Increasing multicultural understanding in key service sectors

25. Five institutions of tertiary education (the National Police Academy, Oslo, Stavanger and Alta Colleges and the Sami College) have initiated a project incorporating multicultural understanding into their teaching in order to improve the qualifications of future police officers, teachers, nurses, health workers, welfare workers and journalists.

26. In addition a programme in Multicultural Understanding has been developed by the Directorate of Immigration. It is aimed at groups in the public sector who provide services to people with different ethnic backgrounds. Employees in the Norwegian Customs and Excise and in the Directorate of Labour have so far completed the programme. Furthermore, the Directorate of Immigration started a project last year to enhance the skills and expertise of its own staff with regard to multicultural understanding and cross-cultural communication.

27. The Ministry of Education, Research and Church Affairs has revised the curricula for all higher education in health and social welfare subjects. The new curricula include courses to prepare students for working in a multicultural society. Furthermore, the Ministry of Health and Social Affairs has begun implementing a Plan of Action for 1998-2001. The aim is to increase the skills and expertise of public social welfare services, and the plan includes training of social workers to help them deal with people of different ethnic backgrounds.

28. The guidelines and framework for teacher training have also been revised recently. According to the new guidelines, "the training shall encourage respect and tolerance for different cultures and beliefs, and combat discrimination and segregation".

29. There is also a programme for training prison personnel, which includes multicultural issues. Efforts in this field will be further strengthened in 1999. The Education Council for Judges will be arranging a teaching programme for judges on multicultural understanding in 1999.

30. The following information refers to paragraph 1 (c).

The Immigration Act

31. Reference is made to CERD's concluding observations (para. 17). Applications submitted by asylum-seekers are dealt with pursuant to the Immigration Act of 24 June 1988 No. 64. Article 1A of the Convention relating to the Status of Refugees is incorporated into Norwegian law (cf. the Immigration Act, sect. 16), and applies as Norwegian law. An asylum-seeker who is not recognized as a refugee will not be sent to an area where he or she will be in considerable danger of losing his or her life or of being made to suffer inhuman treatment (cf. the Immigration Act, sect. 15). Furthermore, consideration will always be given to whether the applicant should be granted a residence permit on humanitarian grounds.

32. Later this year a new amendment will be presented by the Government to the Storting stating that the immigration authorities are obliged to take statements from minors in asylum cases to determine whether the minor has independent grounds for receiving asylum.

33. Unaccompanied minors who are not recognized as refugees are only returned to their country of origin if there is somebody who can take care of them there. If there is no such person, they are granted a residence permit on humanitarian grounds. A circular issued by the Ministry of Justice and the Police in January 1998 regulates the deportation of unaccompanied minors. It states that the deadlines for leaving the country given to minors must be longer than those given to adults. Deportations involving unaccompanied minors are always carried out by the police in close contact with Children's Welfare authorities or other competent authorities.

34. A project aimed at developing better models for working with single minor refugees in the municipalities has been initiated. The Directorate of Immigration and the Ministry of Children and Family Affairs are responsible for the project, which will run until 2001.

35. The basic principle of the Immigration Act is that a foreign national who does not have a valid claim to stay in Norway is expected to leave the country voluntarily. However, experience has shown that in many cases they do not do so. The Immigration Act therefore provides for preventive action against evasion of a negative decision and rejection order. One such measure is the possibility of remanding the foreign national in custody pending implementation of the rejection order. The police may ask for a court decision to remand the person in custody for a maximum period of six weeks. In March 1999 an amendment was made to the Immigration Act which entails that the court decision to remand a person in custody may be based either on individual experience of the person concerned, or on general experience of similar cases where a foreign national has evaded the rejection order.

36. Reference is made to Norway's twelfth and thirteenth report (para. 88). The number of persons arrested and held in custody pursuant to section 37, subsection 5, of the Immigration Act has decreased substantially during the last few years. In 1995 and 1996, 75 persons were held in custody, a small majority of whom were asylum-seekers. Of these 75, 28 were held in custody for more than 12 weeks. During the same period, 3,238 asylum-seekers arrived in Norway. In 1998 8,374 asylum-seekers arrived in Norway. Only 14 of them were held in custody.

37. Asylum-seekers and other foreigners who have been arrested pursuant to section 37, subsection 5, of the Immigration Act are currently held in custody in regular prisons. From the year 2001, a special detention centre for these foreigners will be established.

The Security Act

38. According to the Act of 20 March 1998, Relating to Protective Security Services, the authorities are to apply the rules concerning security clearance in a more flexible way, thus making it easier for persons with an immigrant background to obtain jobs that require security clearance. However, the Act has not yet entered into force.

Police checks on immigrants

39. Persons with an immigrant background have stated that the practice of police checks at street level in order to detect illegal immigration has had a discriminatory effect. The Ministry of Justice and the Police have decided to put an end to registration in cases where the check does not reveal illegal immigration. Such checks may not be made on the basis of a person's colour. The police regularly address the issue of how checks on immigrants shall be carried out.

Customs searches

40. A large number of travellers entering the country are selected by customs officers for a full body search. When selecting travellers for such a search, customs officers are instructed not to select on the basis of any racial criteria, but by using profiles and risk analysis. The use of

body searches is regulated by the Customs Act, the Customs regulations and a directive issued by the Directorate of Customs and Excise. Few complaints are received from travellers compared with the large number of extensive checks performed each year.

HIV/AIDS

41. Reference is made to CERD's concluding observations (para. 16). Testing for HIV/AIDS is voluntary and is offered by health workers as part of the usual counselling. There are no special HIV-test requirements for asylum-seekers or immigrants when they enter Norway or later. If, however, a person feels that testing has been done in an irregular way, they may submit a complaint to the health authorities. A reference group of seven members representing residents with an African background in Norway was established in 1997. The group gives advice to public bodies that handle HIV/AIDS cases related to Africans as a group in Norway.

Registration of national minorities

42. In response to a public debate in 1998, the Research Council of Norway was asked by the Minister of Health to carry out an independent evaluation concerning the registration of minority groups in a former register of patients with mental deficiencies. Among other things, the information in the register was used in connection with mandatory sterilization. A preliminary report will be presented in 1999.

43. "Norsk misjon blant hjemløse" ("Norwegian mission for the homeless") was an NGO that carried out extensive registration of the Romani people/Travellers. The organization made active efforts to assimilate this national minority and administered several orphanages, a work camp, etc. The organization, which was closed down in 1985, received governmental support for its work. The archives of "Norsk misjon blant hjemløse" have been transferred to the National Archives, where a special service has been established to ensure that the sensitivity of the material is taken into account and to make it possible for Romani people/Travellers to get a copy of their own file.

44. Until the 1970s it was entered in a police register of convicts when a person belonged to the Romani people/Travellers. This ethnically based registration was stopped in the 1970s and in 1982 the police started a new electronic register. The old register is used very seldom today. The Data Inspectorate has looked into the old register, and found very few cases where the Romani/Traveller background of a person was registered. It is now under consideration if this register could be transferred to the National Archives.

45. Concerning paragraph 1 (e), reference is made to CERD's concluding observations (para. 21).

Grant schemes for NGOs

46. Reference is made to Norway's twelfth and thirteenth report (para. 82). The Government's financial support for NGOs whose activities are aimed at combating racism and ethnic discrimination in Norway has increased in the last few years. Approximately NOK 10.5 million will be distributed in 1999 to local immigrant organizations and

immigrant-managed activities, as well as to voluntary bodies that focus on multiculturalism and dialogue. A further NOK 7 million will be distributed in 1999 to nation-wide organizations that combat racism and discrimination and promote dialogue.

47. The Ministry of Local Government and Regional Development has established a new grant scheme totalling NOK 2.5 million targeting national minorities. The aim is to strengthen the organizational efforts of national minorities, and support projects that combat racism and discrimination of people belonging to national minorities.

48. In 1996 a project called "Joint campaign against racism" was initiated by the Norwegian Confederation of Trade Unions (LO) in collaboration with an NGO, Norwegian People's Aid. The goal of the project is to combat racist attitudes in local branches of the unions and the parent organization, and to develop measures aimed at improving race relations in society in general. One of the measures is to persuade workplaces to sign a contract, after which they are allowed to put up a sign showing that they have declared themselves a "Racism-free Zone".

Youth with an immigrant background

49. In the past year, public debate has focused on gangs of young people with an immigrant background engaged in criminal activities. This has led many to believe that the majority of criminal gangs consist of immigrants or children of immigrants.

50. In 1996 a survey done by Norwegian Social Research (NOVA) offered a representative description of the situation of young people in Oslo. The study provides information about 11,425 young people aged 14 to 17 years, based on self-reporting. As regards problem behaviour among young people, the following conclusion was reached: a small group of highly criminal young people is responsible for most of the serious juvenile crime reported in the study. Socio-economic considerations, ethnic background and domicile have little impact on the likelihood of a young person ending up in the most vulnerable groups.

51. In June 1999 NOVA published a survey from Oslo about youth as victims of violence. The survey indicates that while young people with an immigrant background in general run a smaller risk of being victims of violence than other young people, a particular category of teenage boys with an immigrant background run a higher risk of being victims of serious violence. The reasons for this are not clear, but socio-economic conditions seem to be an important factor.

52. In 1997 the Ministry of Children and Family Affairs provided funds for a pilot study on violence and gang behaviour. A questionnaire was presented to a sample of 85 gang members aged 13 to 18. Thirteen nationalities were represented. The report was presented in 1998, and one of the conclusions is that Central Oslo has become the arena for a new youth group. The group is composed of youth with a multicultural background (about one in three of its members has a Norwegian ethnic background), it has a high level of criminality, and it has contact with Norwegian and foreign criminal circles.

53. In 1998 the Norwegian Youth Council (LNU) established a Multicultural Committee consisting of 8 members, and an open Multicultural Youth Forum consisting

of nearly 30 members. Representatives from national organizations and local groups meet in these forums. The Committee and the Forum choose the subjects for discussion themselves. In February 1999, Prime Minister Bondevik visited the Forum to discuss measures for reducing the problem of violence. He also raised other major questions concerning the relationship between ethnic minorities and society at large.

54. The following information refers to paragraph 2.

Indigenous and minority rights

55. In February 1998 the Minister of Local Government and Regional Development met with the Romani people/Travellers, and gave a public apology for the injustices committed against the Romani people in the past by the Norwegian authorities. Norway ratified the Council of Europe's Framework Convention on the Protection of National Minorities on 17 March 1999. The Government has stated that the Sami, the Kven, the Jewish people, the Roma, the Romani people/Travellers and the Skogfinn fulfil the criteria for being considered a national minority. From January 1999 the Ministry of Local Government and Regional Development is responsible for developing and coordinating government policy towards national minorities, and a report to the Storting on this policy will be presented in 2000. Dialogue with minority organizations will be an important feature of the policy-making process.

56. The Glomdal Museum has initiated a documentation and information project regarding the Romani/Traveller culture in Norway. The project provides a framework for a national effort aimed at preserving the Romani/Traveller culture. The project is partially funded by the Ministry of Cultural Affairs and has the support of the organizations of the Romani people/Travellers.

57. In 1997 the Sami Rights Commission delivered a report concerning the future administration of land and natural resources in the county of Finnmark. The Commission states that its proposals are based on the recognition that the Sami, as an indigenous people, have a right to influence and participate in the administration of land and water areas in their habitats, but that their rights must accommodate the rights of the other inhabitants of the county, mainly ethnic Norwegians and the Kven. The Sami Rights Commission has proposed establishing a new authority - the Finnmark Land Administration Authority - with responsibility for administering land areas and non-renewable natural resources in the county of Finnmark. A minority within the Commission has proposed the establishment of a Sami Land Administration Authority in addition to the Finnmark Land Administration Authority. The choice between the two forms of administration is left up to each municipality in Finnmark. The minority's proposal is intended to give the Sami a greater degree of influence in areas with a large Sami population. The report has been circulated for comment to the relevant public authorities and NGOs. The report and the comments thereon will then form the basis for the elaboration of the Government's proposals in this matter.

58. In 1998 the Government delivered a report to the Storting concerning the basic principles of its Sami policy and measures to promote these principles. It also present plans for strengthening Sami policy.

Day-care institutions and schools

59. Sami day-care institutions have an important responsibility in transmitting the Sami culture and the Sami way of life to new generations. Section 7, paragraph 3, of the Day-Care Institution Act, pursuant to which the municipality is responsible for day-care services for Sami children, stipulates: "Day-care institutions for Sami children in Sami districts are to be based on the Sami language and culture".

60. In 1997 a Sami curriculum was implemented for primary and lower secondary school. It was established in cooperation with the Sami Parliament and was made compulsory for all pupils in primary and lower secondary schools in the administrative area of the Sami language. It is comparable to the national curriculum, but is based on Sami culture and society. There has also been a great increase in the number of texts dealing with Sami culture and society in the new national curriculum that was adopted in 1997.

61. The implementation of the Sami curriculum has given rise to disputes between the Sami, the Kven and Norwegians in some of the municipalities in north of Norway. These disputes subsided, however, after the Ministry of Education, Research and Church Affairs changed the text in the introduction of the Sami curriculum so that it takes into consideration all ethnic groups in the area. There has been an increase in the number of pupils choosing Sami language education in this area since the implementation of the Sami curriculum.

62. In 1998 the Storting passed a new Education Act. The Act, which entered into force on 1 August 1999, covers primary and lower and upper secondary education. The Act lays down the authority of the Sami Parliament in educational matters. Furthermore, it assures all Sami pupils, wherever they live in Norway, the right to Sami language education in primary and secondary school. The new Education Act also gives pupils belonging to the Sami minority the right to receive all of the education in their mother tongue, if at least 10 pupils in the community are Sami speaking. Pursuant to the Act, the Sami Parliament will be allowed greater influence on the content of Sami educational programmes and will also be allowed to decide on parts of the content within a framework laid down by the Ministry of Education, Research and Church Affairs.

63. Since 1996 there has been a statutory right to tuition in Finnish for three hours a week in primary and lower secondary school for Kven pupils in the two northernmost counties of Norway, if at least three pupils at a school require such tuition. The remaining instruction is given in Norwegian or Sami, according to choice.

The media

64. Reference is made to Norway's fourteenth report (paras. 34-36). In 1997, the Norwegian Broadcasting Corporation (NRK) broadcast 1,359 hours of radio programmes and 34 hours of television programmes in Sami per year. Furthermore, six local radio stations broadcast in Sami. In 1997, three newspapers and one periodical publication addressing the Sami people received public grants. In addition, the Ministry of Children and Family Affairs has provided support for a Sami youth magazine and a magazine for children.

65. One newspaper for the Kven, which is published 10 times a year, receives public grants. Further NRK's regional office in the country of Troms broadcasts in Finnish for 12 minutes per week.

66. NRK previously broadcast 28 hours of radio programmes in Urdu, Turkish and Vietnamese per year. Since September 1997 these services have no longer been provided. Since April 1998 NRK produces 14 minutes of weekly television newscasts in Urdu, Vietnamese, Serbo-Croatian and Somali.

67. There are 10 local radio stations serving different immigrant communities. Two Islamic religious groups have been granted licences for local television broadcasting. Neither has yet begun broadcasting. There are 11 papers addressing various immigrant communities in their own languages, which have received public grants (five in Urdu, two in Hindi, one each in Tamil, Finnish, Polish and Chinese). The grant scheme for immigrant newspapers is being evaluated. The Ministry of Cultural Affairs is considering a proposal to integrate newspapers for immigrants into the ordinary press grant scheme.

Article 3

Apartheid

68. Reference is made to Norway's twelfth and thirteenth report (paras. 112-114). There are no changes or new developments to report under this article.

Article 4

69. The following information refers to paragraph 1 (a).

Dissemination of racist ideas

70. Reference is made to CERD's concluding observations (paras. 19 and 21) and to Norway's twelfth and thirteenth report (paras. 115-129). No special measures have been taken to directly prohibit dissemination of racist propaganda in Norway. The local radio station (Radio Nite Rocket) referred to in Norway's twelfth and thirteenth report (para. 46) and in CERD's concluding observations (para. 14) is no longer broadcasting. The reason for withdrawing the licence was financial difficulties, not the dissemination of racist ideas. Nether the Broadcasting Appeals Board nor the Press Complaints Commission, which now handles broadcasting-related matters, received formal complaints pertaining to racism in 1997 or 1998.

71. In Norway's fourteenth report (para. 39), reference was made to a ruling by the Oslo City Court concerning the relationship between section 135 (a) of the Civil Penal Code (reference is made to Norway's first, third and fourth reports) and article 100 of the Norwegian Constitution concerning freedom of speech (the Kjuus case). The leader of a small but registered political party was convicted on the grounds that the party's programme promoted racial discrimination. This judgement was upheld by the Supreme Court. The majority stated that protection against racial discrimination is considered a fundamental right by the international community. Combating seriously racist statements by argument alone was considered an unreliable way of

putting an end to such discrimination. The fact that these statements were included in a political programme did not make them legal. The minority voted for acquittal of the accused because it found that protection of freedom of speech (as laid down in the Constitution) in this case should prevail over protection against racial discrimination (embodied in the Civil Penal Code). The minority stated that freedom of speech is important and should be accorded particular weight within the framework of political life. The relevant rulings are enclosed (enclosure No. 9).

72. Following the above-mentioned decision by the Supreme Court, the Director General of Public Prosecutions has issued instructions that cases falling within the scope of sections 135 (a) and 349 (a) of the Civil Penal Code shall be thoroughly investigated and not dropped until investigation shows that there is no reason to pursue the case.

73. The following refers to paragraph 1 (b).

Racist organizations

74. Reference is made to CERD's concluding observations (paras. 14 and 20). There have been no amendments as regards the prohibition against racist organizations. As regards this issue, reference is made to Norway's previous reports and to the ruling by the Supreme Court mentioned in paragraph 71. According to this ruling, a person acting in the capacity of leader of a political party may be penalized pursuant to the provisions of the Civil Penal Code applicable to individuals, in this particular case section 135 (a). Furthermore, section 48 (a) of the Civil Penal Code states that when a person commits a criminal offence when acting on behalf of an organization, the organization may be liable to a penalty even if no individual person may be punished. The penalty is a fine and/or the loss of the organization's right to carry out its activities, either altogether or in certain forms.

75. Several projects aimed at reducing the impact of the activities of racist groups in Norway have received public funds. One of these, the EXIT project, aims to develop strategies and measures to prevent the recruitment of new members to racist and nationalistic groups and to help young people get away from these environments. The project targets young people who wish to withdraw from such groups, the parents of children who belong to such groups, and professionals working with young people. This project has led to the establishment of a similar project in Sweden. It is hoped that a Nordic network will be established.

Article 5

76. The following refers to paragraph 1 (a).

Equal treatment in bodies administering justice

77. The Central Prison Administration has received a few complaints regarding racial discrimination. There are, however, no figures showing how many complaints of this kind have been made.

78. On the initiative of the Ministry of Local Government and Regional Development, the Institute of Sociology and Law and the Institute of Linguistics of the University of Oslo, together

with the Norwegian Institute for Urban and Regional Research, have recently taken on a pilot project focusing on legal safeguards for persons who do not speak Norwegian. The aim is to identify the specific problems experienced by this group when involved in Norwegian legal proceedings. The project will run until 1 April 2000.

79. Concerning paragraph 1 (c), reference is made to Norway's twelfth and thirteenth report (paras. 140 and 141).

Participation in local elections

80. Foreign nationals who have been resident in Norway for more than three years have the right to vote in local elections. In 1995, 39 per cent of foreign nationals who were entitled to vote did so. This proportion has been decreasing since 1983, when 46 per cent voted. In the run-up to the local elections this autumn, the Government's strategy has included an information campaign to increase participation in local elections among foreign nationals and Norwegian nationals with an immigrant background. Information concerning voting rights and how to vote has been produced in several languages. The Government also funds projects run by immigrant organizations that aim to increase participation in elections by the above-mentioned groups. The pre-election political debates this year have focused a great deal on immigration and integration policies.

81. The following refers to paragraph 1 (d) (vii).

Education and religion

82. As from the 1997/98 school year, a new subject was introduced in primary and lower secondary education, entitled "Christian knowledge and religious and ethical education". The teaching includes a thorough knowledge of Christianity, knowledge of Christian denominations, other world religions and philosophies of life, ethical and philosophical topics, promoting understanding of and respect for Christian and humanist values and promoting understanding, respect and the ability to carry on a dialogue between people with differing beliefs and philosophies of life. At the same time, however, due attention must be paid to the parents' right to bring up their children in accordance with their particular religious convictions and to decide on behalf of their children in these matters. The teaching in this subject shall not involve preaching.

83. On the basis of written notification from parents, pupils may be exempted from attending those parts of the lessons which the parents consider to involve the practice of another religion or philosophy of life. Parents whose applications have been rejected are entitled to appeal to the local education office against the decision. Pupils who have reached the age of 15 may themselves ask for partial exemption. The Storting has asked the Ministry of Education, Research and Church Affairs to conduct an evaluation of the subject and the right of partial exemption within three years following its introduction.

84. The new subject has been criticized by, among others, the Norwegian Humanist Association and the Islamic Council. They claim that it is a breach of the freedom of religion. Both organizations have brought charges against the Norwegian State to the Oslo City Court,

claiming exemption from all parts of the subject for pupils whose parents are members of these organizations. The Norwegian Humanist Association lost the case at first instance and has appealed. The case of the Islamic Council will be heard in October 1999.

85. The right to establish private schools is laid down in education legislation, and approved private schools are entitled to State grants. In 1998 the Ministry of Education, Research and Church Affairs approved the establishment of a Muslim upper secondary school. An application to establish a Muslim primary and lower secondary school is under consideration by the Ministry.

86. Concerning paragraph 1 (e) (i), reference is made to CERD's concluding observations (paras. 15 and 22).

The labour market situation for immigrants and refugees

87. Although the labour market in Norway has generally been favourable for job-seekers in the last few years, immigrants still experience problems. In May 1999 the unemployment rate was 6.3 per cent for immigrants compared with 2.2 per cent for the total population (16-74 years old). Immigrants from Africa have the highest rate of unemployment with 12.6 per cent in May 1999. The main obstacles for immigrants in the Norwegian labour market seem to be lack of proficiency in the Norwegian language, insufficient or unrecognized qualifications, discrimination and lack of work experience in Norway.

88. There are no reliable figures for the proportion of persons with an immigrant background working in the State sector. However, a survey undertaken in 1998 showed that 1.9 per cent of the employees in the ministries had an immigrant background and 4.3 per cent of employees in other parts of the State sector had an immigrant background. Only 4 per cent of persons with an immigrant background who are employed have jobs in the public administration, the armed forces, the police or the judicial system.

89. The District Employment Service offers information about the Norwegian labour market, labour market training and vocational training in combination with language training. The training is adapted to the needs of immigrants. In February 1999 about one third (3,200) of the participants in labour market programmes were immigrants.

Amendments to the Working Environment Act

90. Section 55 A of the Act of 4 February 1977 No. 4 relating to Worker Protection and the Working Environment (the Working Environment Act) was amended by the Act of 30 April 1998, which added a prohibition against discrimination on the grounds of race, colour, national or ethnic origin or sexual orientation in the recruitment process. A complaint about unlawful discrimination in the recruitment process has to be brought before a civil court. As section 55 A was amended only recently, its effects are not yet evident. The Directorate of Labour Inspection is responsible for providing guidance and information about the provisions of the Working Environment Act, including section 55 A. The amendment is enclosed (enclosure No. 10).

Reducing barriers to employment

91. A final evaluation of the Plan of Action to Improve the Use of Immigrants' Qualifications was conducted in January 1999. The plan was considered to have been implemented satisfactorily, but some major problems still remain to be solved. Above all, the plan has helped the problems to become more widely recognized. It has also made the main labour unions and employers' organizations more aware of their responsibility for facilitating the integration of immigrant workers into the work force.

92. The evaluation also shows that the processing time for the approval of educational qualifications from abroad has been reduced. Many immigrants, however, have problems obtaining the necessary documentation. In order to simplify the process of assessing foreign vocational training, testing will be initiated.

93. In order to reduce the time needed to deal with applications for the approval of qualifications, the National Academic Information Centre (NAIC) was reorganized as of 1 January 1999 as a new national body, the Network Norway Council. In cooperation with the Council and the higher education institutions, the Ministry of Education, Research and Church Affairs will establish a database with a view to facilitating the processing of such applications. The database will contain information about all applications concerning the recognition of foreign degrees or qualifications. The Ministry has produced an information booklet about the system used to recognize upper secondary and higher educational qualifications.

94. The Storting has decided to establish a system to document and recognize the knowledge that adults have acquired through non-formal channels. The Ministry of Education, Research and Church Affairs has initiated a three-year project with a view to establishing a national system for assessing non-formal learning, which will enable adults to start further training on the right level, if necessary through specially adapted courses.

95. Norwegian language training for immigrants has been extended. As from 1998 the Government decided to increase the number of lessons in Norwegian, including sociology, offered to adult immigrants and refugees from 500 to 850. Furthermore, since 1998 persons with no previous educational experience have been offered 3,000 lessons in Norwegian. These lessons are offered free of charge to all immigrants and refugees, irrespective of their educational background. A better system for testing the language ability of immigrants has been developed, and the training of teachers who teach immigrants has been improved.

96. Recruitment to higher education has been strengthened through information to the target groups and counselling. Special attention has been paid to recruitment of persons with an immigrant background to occupations in frequent contact with the public, for instance the police.

97. Recruiting students with an immigrant background is a stated goal of the National Police Academy in order to reflect the fact that Norway is a multicultural society. In 1996 8 out of 384 students had an immigrant background, in 1997 10 out of 432, and in 1998 5 out of 432.

98. The Ministry of Labour and Government Administration has presented a Plan of Action (1998-2001) for Recruiting Persons with an Immigrant Background to the State Sector. In addition, the Ministry of Defence presented a plan of action in October 1998 to increase the recruitment of persons with an immigrant background to the defence forces, both the basic officers' education programmes and civilian jobs within the defence forces.

99. Through the Directorate of Immigration, the Government has already undertaken a number of research and development projects aimed at increasing our knowledge of managing diversity and the nature of discrimination in the labour market. These projects will be completed during the course of 1999. New measures will be considered as a result of the information gained from these projects.

100. Concerning paragraph 1 (e) (iii), reference is made to CERD's concluding observations (paras. 15 and 22).

Discrimination in the housing market

101. In August 1999 the Supreme Court made a ruling concerning section 349 (a) of the Civil Penal Code. Section 349 (a) states that any person who in an occupational or similar activity refuses any person goods or services on the same conditions as apply to others, because of his religion, race, colour of his skin, or national or ethnic origin, shall be liable to fines or imprisonment. The owner of a housing agency was charged for discrimination against customers. The housing agency kept files of flats to let, with some entries stating that only Norwegians with a steady income would be considered. The Supreme Court acquitted the owner, stating that the agency business was simply presenting offers of a discriminatory nature for which the owners of the flats were responsible. According to the Supreme Court, these private individuals are not affected by the penal provision in question. Thus, the provision was not applicable in the present case. The relevant rulings are enclosed (enclosure No. 11).

Legislation

102. In accordance with the new Joint Ownership Act of 23 May 1997 No. 31 (concerning housing), which entered into force on 1 January 1998, it is still possible to stipulate that the occupant or tenant of a section of a building needs the approval of the assembly of joint owners and that such approval can only be refused if sound reasons are given. However, in the travaux préparatoires of the Act it is specifically stated that colour, cultural background, nationality, citizenship, etc. are not acceptable grounds for refusal (enclosure No. 12).

103. Another provision of the Act stipulates that even though legal persons are prohibited from acquiring joint ownership section, the State or municipality has the right to acquire up to 10 per cent of the sections. This is to make it easier for the State and municipalities to acquire housing for people in a difficult housing situation, like refugees and other immigrant groups, so as to integrate them into a neighbourhood. In autumn 1998 an equivalent provision was incorporated into the Housing Cooperatives Act of 4 February 1960 No. 2. This is entered into force on 1 January 1999 (enclosure No. 13).

104. According to the current House Rent Act of 19 June 1939 No. 6 subletting parts of the dwelling requires the lessor's consent. In January 2000 a new House Rent Act will enter into force. In accordance with the new Act, the lessor may not refuse subletting of parts of the dwelling, or subletting during the tenant's temporary absence, without sound reasons. Reasons such as the tenant being of another nationality or race will be regarded as differential treatment and discriminatory and will be considered as biased and insubstantial (enclosure No. 14).

Information

105. Funds have been granted for the preparation of information material that explains that, under current housing and criminal legislation, it is an offence to refuse a person goods or services on the basis of religion or belief, race, colour, or national or ethnic origin. This material will be distributed to rental agencies, housing cooperatives and house-building cooperatives.

106. A development and research programme focused on multicultural neighbourhoods has been started. A report dealing with legislation and discrimination on the basis of race/ethnicity in the housing market will form part of the programme, as well as a report dealing with conflict and dialogue in multicultural neighbourhoods.

Housing for young people

107. In 1998, funding was provided for two projects for helping young people in Oslo with an immigrant background gain access to the housing market. The projects were run by UNGBO, under the Department of Property and Development in Oslo. UNGBO is a service for homeless youth, and can provide housing for a maximum of three years. The goal of the first project was to improve information and communication activities, especially those targeting the very youngest home-seekers, residents of UNGBO accommodation, young people with an immigrant background and residents in a particularly difficult situation. The second project was to analyse and disseminate information on the results of UNGBO's work in relation to young people with an immigrant background, for instance by preparing group-specific statistics on the target group and their use of UNGBO.

108. The following refers to paragraph 1 (e) (iv).

The right to public health care

109. In connection with the reform of primary medical health care that will be implemented as from 2001, Sami-speaking patients will be offered better health-care services, particularly in the Sami core areas. Important work is being done at the regional hospital in Tromsø, at "the Sami service centre", but the interpreting service and other arrangements for Sami patients are still lacking or inadequate at other hospitals.

110. Disabled and elderly immigrants have difficulty in participating in certain areas of society. In order to promote participation Norwegian authorities have established pilot projects which target young disabled immigrants and elderly immigrants. Both projects are being run by NGOs and funded by the Ministry of Health and Social Affairs. The projects are to be concluded in 2001.

111. In 1997 a person with an immigrant background was denied treatment at a hospital on the grounds that such treatment had not shown good results on other patients of "alien cultures". The case was taken to court by an NGO called "The Institution Against Public Discrimination (OMOD)", under section 349 (a) of the Civil Penal Code. The case was dropped by the police, and is now being looked into by the Director-General of Public Prosecutions, though the two-year period of limitation has expired.

112. The Government is considering introducing a scheme to provide means-tested supplementary benefits to immigrants who do not qualify for a pension in Norway.

113. The following refers to paragraph 1 (e) (v).

The right to education and training

114. On the initiative of the Ministry of Children and Family Affairs, the Institute for Applied Social Science (FAFO) has done a survey on the need for day-care institutions among immigrant families. The report suggests various measures for making better use of day-care institutions for children with an immigrant background.

115. In the 1997/98 school year, 33,100 pupils in primary and lower secondary education belonged to linguistic minorities. This is an increase of 15 per cent compared with the 1996/97 school year, and the pupils concerned represent 6 per cent of the total number of pupils in compulsory education. The proportion of minority language pupils varies considerably from one region to another, from 26 per cent in Oslo to 1-7 per cent in the other counties.

116. In spring 1999 the Storting debated a report to the Storting on mother tongue instruction in primary and lower secondary education. It was decided that all pupils in primary education with an insufficient knowledge of Norwegian should be entitled to receive instruction both in their mother tongue and in Norwegian as a second language. Finally, they should be entitled to receive bilingual support as long as they are not able to benefit sufficiently from the teaching of Norwegian. In lower secondary school instruction in the mother tongue may be offered as an optional subject.

117. To enable immigrants between 16 and 20 years of age to be admitted to upper secondary school, they are given the opportunity to complete their primary and lower secondary education through specially adapted courses of one, two or three years' duration. They then have the same right to upper secondary education as Norwegian pupils. Such courses were organized for the first time in 1998 for 622 students altogether in 20 different municipalities throughout Norway.

118. As far as upper secondary education is concerned, a number of specialized courses have been organized in the different counties for pupils with a minority language background. The content of these courses, of which there are 12 altogether, varies from one county to another, but they all include auxiliary language training, vocational guidance and information about the labour market. Many students with a minority language background have applied for admission.

119. In 1997 55.6 per cent of Norwegian pupils applying for apprenticeship training in an enterprise were offered a contract; the figure for pupils with an immigrant background

was 40 per cent. In May 1999 a report from the Norwegian Institute for Studies in Research and Higher Education (NIFU) showed that young people with an immigrant background, and especially boys within this category, are less likely to be selected by enterprises for apprenticeship training. Enterprises are to a large extent free to choose pupils at their own discretion, and they may turn down applicants proposed by the relevant vocational training committees. These committees are responsible for establishing contact between applicants and enterprises in accordance with regulations laid down by the Ministry of Education, Research and Church Affairs. According to these regulations, no discriminatory requirements may be invoked and the principle of equal right to training applies.

120. Reference is made to Norway's twelfth and thirteenth report (paras. 172 and 173). The Ministry of Education, Research and Church Affairs and the Ministry of Local Government and Regional Development have extended a project on students with an immigrant background until the end of year 2000. The project is being carried out as a follow-up to the evaluation of the 1994 reform of upper secondary education, and should provide more information on how these students make use of their right to upper secondary education, with particular emphasis on the gender perspective and apprenticeship training opportunities.

121. The Ministry of Education, Research and Church Affairs is preparing a project with a view to recruiting more students with a multicultural background to teacher training. The project will be run in cooperation with an institution of higher education. The Ministry has also funded a pilot project for students in teacher training and health and social welfare studies with a view to improving the students' proficiency in Norwegian for specialized purposes. There are currently about 600 students in Norway with an immigrant background, i.e. they are born in Norway of two foreign-born parents.

122. A class for Sami-speaking student nurses has been established by Finnmark College, which in practice recruits only Sami students. This scheme will be expanded from 10 to 15 students. A certain number of places in health-related studies, e.g. medicine, are reserved for Sami applicants.

123. The following refers to subparagraph (f).

Prevention of discrimination at restaurants, pubs, etc.

124. As a measure to prevent discrimination as regards access to restaurants, pubs, clubs, cafes, etc., the Oslo police arranged courses for doormen in 1998. These courses will continue in 1999 and will also be arranged in other cities in Norway. In addition, an information folder explaining how the Oslo police district has handled complaints about discrimination in restaurants, pubs, clubs, etc., will be distributed to all police districts.

Article 6

125. Reference is made to the information provided under the heading article 4 above concerning legislative protection against discriminatory action. The following information is also relevant.

Mediation Boards

126. Reference is made to Norway's fourteenth report (para. 13). Several of the mediation boards have been involved in settling conflicts that have arisen from persons of different cultural backgrounds living and working together. The conflicts have been both of a civil and of a criminal nature. Several mediation boards have succeeded in recruiting mediators with an immigrant background onto their staff. The Oslo Mediation Board administers a project aimed at the prevention of conflicts between children and young people of different origins, including Norwegians. The main objective is to help people build networks and to give them tools that they can use to handle conflicts at an early stage. In this project the mediation board cooperates with a number of immigrant bodies.

Article 7

Combating prejudice in education and teaching

127. The Ministry of Children and Family Affairs has issued a General Plan for Day-Care Institutions, which establishes the importance of equality, tolerance and other fundamental values. The Ministry has also prepared a set of guidelines on combating racism in day-care institutions.

128. One of the primary objectives of education is to promote equal opportunities and to counteract all types of discriminatory attitudes. This is clearly stated in education legislation and in the national curricula. The new Education Act states that the "primary, lower secondary and upper secondary schools shall promote the equal status and equal rights of all human beings, intellectual freedom and tolerance, ecological understanding and international co-responsibility". It goes on to state that "everyone associated with the school or with training establishments shall make efforts to ensure that pupils and apprentices are not assaulted or exposed to offensive words or deeds".

129. A new national curriculum for primary and lower secondary education has been introduced as from the 1997/98 school year. According to the curriculum schools are responsible for including pupils with a minority linguistic and cultural background in the cooperative structures established between the school, the home and the local community.

130. All textbooks used in Norwegian primary, lower secondary and upper secondary schools must be officially approved. Such approval is granted by the National Centre for Teaching Aids, which should see to it that the textbooks reflect a multicultural society, and avoid offensive descriptions or pictures conducive to racism or xenophobia. New textbooks have been published as part of the reform of primary and secondary education.

131. The Ministry of Education, Research and Church Affairs is permanently engaged in efforts to combat bullying in schools. Since 1983 these efforts have been undertaken in cooperation with other relevant ministries, and special grants have been made for this purpose. At the local level it seems fruitful to involve pupils with an immigrant background as a resource in this context. The Ministry of Children and Family Affairs supported a project concerning bullying in the city of Bergen, which resulted in a decline in bullying of around 30 per cent. The

introduction of formal mediation between pupils in conflict situations at a selected number of schools seems to have had fairly promising results, and the Ministry of Education, Research and Church Affairs will shortly submit a more comprehensive action plan for the introduction of mediation between pupils in conflict situations in upper secondary schools.

Supporting youth work

132. Reference is made to Norway's twelfth and thirteenth report (para. 107). The Idea Bank is a project run by the Norwegian Youth Council (LNU) and funded by the Government. The purpose is to promote multicultural programmes for children and young people by providing funding for locally organized projects. The Idea Bank grants support for activities and information campaigns that emphasize the importance of promoting contact, cooperation and mutual tolerance between children and young people with different national backgrounds. Priority is given to projects run jointly by Norwegians and immigrants.

133. Another important instrument is the Ministry of Children and Family Affairs' grant scheme, Urban Youth Projects, which provides funding for the nine largest urban municipalities in Norway. This scheme is designed to improve the conditions under which young people grow up in urban municipalities, and great importance is attached to combating prejudice, racism and discrimination and to promoting mutual tolerance. The scheme targets young people aged 12 to 25.

134. The Ministry of Children and Family Affairs is responsible for the Development Programme to Improve the Conditions in which Children and Young People Grow Up, which has been drawn up in collaboration with a number of other ministries. The goal of the programme is to improve and influence the local environment in which children and young people grow up so as to improve their possibilities for participating in and coping successfully with their home situation, school, working life and leisure activities. Efforts to prevent violent behaviour, bullying, substance abuse, crime and racism among children and young people are also to be intensified. Pilot projects were initiated in 10 municipalities in autumn 1998.

Promoting tolerance and understanding through culture

135. Two new measures were launched in 1998, both of which are being coordinated by the Norwegian Council for Cultural Affairs. Art and the Multicultural Society is a programme for encouraging multicultural initiatives in national, regional and local cultural institutions. The programme was set up to implement Report to the Storting No. 47 (1996-97) The Artists, and is intended to strengthen the status of artists with minority backgrounds in the art community, and to support artistic exchanges. A national pilot project called Signal was launched in 1998 in the field of theatre, which was intended to promote the integration of artists with minority backgrounds.

136. The Norwegian Concert Institute, which arranges concerts and musical events all over the country has also established a Multicultural Centre which is responsible for a variety of activities in the field of world music, and it supports multicultural events. In its main spheres of responsibility, national school concerts and public concerts, the Norwegian Concert Institute has increased the proportion of multicultural performances.

137. The Ministry of Cultural Affairs also supports a librarian service in Oslo for immigrants and refugees. The establishment of librarian services for immigrants within the existing public library service has been encouraged in all municipalities with an immigrant population exceeding 100, and a number of municipalities have set up such a service.

Information

138. Reference is made to CERD's concluding observations, paragraph 23. Norway's previous reports and CERD's concluding observations have been disseminated to governmental and non-governmental bodies and organizations.

List of enclosures

1. Act relating to the Strengthening of the Status of Human Rights in Norwegian Law (The Human Rights Act) of 21 May 1999 No. 30.

2. Population 1 January 1999 and population changes in the 4th quarter 1998, Statistics Norway (SSB).

3. The immigrant population in Norway, Statistical Yearbook of Norway 1998, Statistics Norway (SSB).

4. Number of persons that have received Norwegian citizenship 1998, Statistics Norway (SSB).

5. Arrival of asylum seekers per month 1991-1998.
   Resident permits and the grounds for granting residence permits in 1998.
   Persons who have been granted protection and accompanying persons who have been granted family reunification in the period 1988-1998.
   Work permits granted and the grounds for granting work permits in 1998, by nationality and region.

6. "Immigrants in Norway". A Summary of Findings, Statistical analyses, Statistics Norway (SSB), 1998.

7. Annual Report on Norwegian Efforts to Promote Human Rights, 1998.

8. Attitude towards Immigrants and Immigration Policy, Statistical Yearbook of Norway 1998, Statistics Norway (SSB).

9. Oslo City Court Ruling of 21 February 1997, (The Kjuus Case).
   Supreme Court Ruling of 28 November 1997.

10. The Worker Protection and Worker Environment Act (The Working Environment Act) of 4 February 1977 No. 4, Section 55 A amended 30 April 1998.

11. Oslo City Court Ruling of 15 July 1998, (The Housing Agency case).
    Borgarting High Court Ruling of 18 January 1999.
    Supreme Court Ruling of 27 August 1999.

12. The Joint Ownership Act of 23 May 1997 No. 31, Section 22 amended 27 November 1998.

13. The Housing Co-operatives Act of 4 February 1960 No. 2, Section 13 amended 27 November 1998.

14. The House Rent Act of 26 March 1999 No. 17.

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fifteenth periodic report of States parties due in 1999

Addendum

Greece*

[9 March 2000]

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* This document contains the twelfth, thirteenth, fourteenth and fifteenth periodic reports of Greece due on 18 July 1993, 18 July 1995, 18 July 1997 and 18 July 1999 respectively. For the eighth, ninth, tenth and eleventh periodic reports of Greece and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/210/Add.1 and CERD/C/SR.940, 941, 950.

I. INTRODUCTION

1. In the previous reports to the Committee, the Greek Government outlined the general context and presented specific details on its legislation, including its Constitutional provisions, policy and practice regarding the elimination of all forms of racial discrimination.

2. The present report provides information on recent legislation, case law and practice regarding developments in the application of the principle of non-discrimination and in promoting effective equality. The information provided below focuses mainly on the questions and the remarks raised by the members of the Committee on the occasion of the examination of the previous Greek reports.

3. The Greek Government would like to express its appreciation to the Committee for the important task it has been performing in order to curb racial discrimination and incitement to racial hatred over the years. In the view of the Government, the cooperative spirit in which the Committee carries out its constructive dialogue with member States facilitates the adoption by the latter of concrete steps which prevent and suppress discrimination against human beings. The Greek Government expresses, however, its regret at the delay in the submission of its periodic reports, which is mainly due to the fact that new legislation and practice on matters falling within the competence of the Committee were adopted only recently. However, it should be emphasized that the Greek Government has always complied with its obligations under the Convention, which it considers to be of great importance.

II. GENERAL LEGAL FRAMEWORK

A. Ratification or signature of international human rights instruments: recent developments

4. Since the submission of its last report, Greece has ratified, without reservations or interpretative declarations, the International Covenant on Civil and Political Rights, as well as the First and Second Optional Protocols thereto (Law No. 2462/1997). It has also ratified Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty; the Protocol amending the European Social Charter; the Additional Protocol to the European Social Charter, providing for a system of collective complaints; the European Convention on the Exercise of Children's Rights. In the field of the protection of human dignity, Greece has ratified the Convention on Human Rights and Biomedicine and its Additional Protocol on the Prohibition of Cloning of Human Beings, as well as Protocols Nos. 1 and 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

5. Greece has also signed the Council of Europe Framework Convention for the Protection of National Minorities; the European Convention on Nationality; the revised European Social Charter; and the Statute of the International Criminal Court.

6. Greece intends to accept as soon as possible the right of individual complaint under the Convention on the Elimination of All Forms of Racial Discrimination.

B. Enforcement of human rights instruments by domestic courts

7. Greek courts base their decisions more and more frequently on the provisions of international human rights instruments, which are, thus, directly applicable by the courts and other tribunals or administrative authorities. Due attention is also given by the Greek courts to the case law of international judicial or quasi-judicial bodies when interpreting human rights instruments.[1]

8. It should be noted that the provisions of the International Covenant on Civil and Political Rights have been made widely known to lawyers and judges, and this is proved by the fact that the courts are willing to rely on the principles and guarantees set forth in the Covenant. An indicative example in this respect is the recent refusal of the Greek courts to apply, on the basis of article 2, paragraph 4 of the Covenant, the provisions of article 8 of Law 2097/1952, which provides for State immunity from execution (Athens Court of First Instance, 20976/1999).

C. National machinery with responsibility of overseeing the implementation of human rights

9. In recent years, the Greek Parliament has set up independent State agencies or committees, whose aim is to protect and promote human rights in general and the principle of non-discrimination in particular.

(a) The National Radio and Television Council oversees the implementation of legislative and other provisions against racism, xenophobia and incitement to hatred in the field of the electronic media. In this context, regulation 3/1991 of the Council provides that radio and television stations are obliged not to broadcast advertisements introducing discrimination based on race, gender, religion or nationality. Moreover, article 5 of regulation 1/1991 (Code of Journalistic Deontology) provides that it is not permitted to present persons in a way which might, under the specific circumstances, foster humiliation, social exclusion or discrimination by the public on grounds, especially, of gender, race, nationality, language, religion, ideology, age, illness or disability, sexual orientation or profession. According to article 2, paragraph 5 of the draft Code of Deontology for Information and Other Journalistic and Political Programmes, it is absolutely not permitted to refer to persons accused or convicted with no other identification than ethnic origin or religious beliefs. More generally, reference to ethnic origin or religious beliefs of persons suspected of having committed criminal offences is to be avoided;

(b) The Authority for the Protection of Personal Data, instituted by Law 2472/1997, is entrusted with the mandate to regulate the collection and processing of "sensitive" personal data, such as those concerning race, ethnic origin, political opinions, religious beliefs, etc., which might lead to a violation of the principle of non-discrimination. Storage and processing of such data is permitted only in exceptional circumstances, subject to authorization by the aforementioned Authority;

(c) Law 2477/1997 instituted the Greek Ombudsman's Office. The Ombudsman ("Defender of the Citizen") is appointed by the Council of Ministers following a proposal by the Parliamentary Committee on Institutions and Transparency, and enjoys full independence from government instructions in exercising his functions. The Office of the Ombudsman began its work in September 1998 and, during the first year of its existence, it received several thousands of complaints. There are currently four sections, dealing respectively with human rights issues, relations between the Administration and the public, quality of life and social protection. Alleged victims of racial discrimination may apply to the Ombudsman in order to seek an extrajudicial settlement of any dispute with the Administration;

(d) Law 2667/1998 establishes a national commission on human rights, composed of representatives of non-governmental organizations, political parties, Bar Associations, independent State agencies, trade unions, university professors, government officials, Supreme Court judges. The main aims of the Committee are research and promotion of human rights, submission of reports and proposals, monitoring of the compliance of the Greek legal order with international human rights standards, raising the awareness of public opinion and the media on human rights issues, drafting of an annual human rights report, the creation of a documentation centre on human rights, etc. In January 2000, the Committee met for the first time and elected its President. Without any doubt, issues of non-discrimination will be on the agenda of the National Committee.

III. ARTICLES OF THE CONVENTION

Article 1

10. In 1998, the Council of State accepted explicitly the need to adopt positive measures in order to attain effective gender equality and considered that affirmative action policies are in conformity with the Constitution. The Council of State held that "in case where one may find that a certain category of persons has been discriminated against due to such social prejudices so that the inflexible application of equality would result to a façade of equality, while in fact it consolidates and perpetuates the existing inequalities, the adoption by the legislator … of appropriate and necessary positive measures in favour of such categories … until such time as real equality is established, fully conforms with the spirit of the constitutional principle of equality. Consequently, if such conditions exist, the adoption of positive measures in favour of women with a view to accelerating the attainment of effective equality between men and women is not contrary to the Constitution" (decisions 1917-1929/1998 and 1933/1998).

11. The above case law concerning gender equality is also relevant to acts considered discriminatory when they are based on race, colour, descent, national or ethnic origin and they have the purpose of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms. In these cases, positive measures taken with a view to achieving not only de jure but also de facto equality are fully consistent with paragraph 4 of article 1 of the Convention.

Article 2 (Policy of eliminating racial discrimination in all its forms)

12. Since the submission of the last Greek report and its consideration by the Committee in August 1992, the Greek Governments have made serious efforts for the elimination of all forms of discrimination in the Greek society through the adoption of concrete legislative or other measures aimed at promoting effective equality among individuals. In this respect "vulnerable" groups within Greece, such as Roma people and their children, migrant workers, refugees and

asylum-seekers, and their human rights situation, are at the core of the concern of the authorities. In addition, new measures have been envisaged in order to facilitate the integration of migrant workers into the social, economic and cultural life of the country. A draft immigration bill is actually pending before Parliament. The main lines of the proposed measures are described below.

1. Muslim minority in Thrace

13. Similarly, special attention is given to the Muslim minority of Thrace and several measures have been taken in order to improve its living conditions and to create a regime of effective equality with the majority population. Integration of the members of this minority in the political, economic, social and other fields of the Greek public life as well as its peaceful coexistence with the Christian majority is another objective that all Greek Governments strive to fulfil. More specifically:

Statistical data and self-identification

14. According to the latest census, which took place in 1991, the Muslim minority of Thrace numbers approximately 98,000 out of a total of 338,000 inhabitants of this area, i.e. 29 per cent of the local population and 0.92 per cent of the total population of Greece of 10.62 million.

15. This minority consists of three ethnic groups whose members are of Turkish origin (50 per cent of the minority population), Pomaks (an indigenous population that speaks a Slavic dialect and espoused Islam during Ottoman rule) (35 per cent of the minority) and Roma (15 per cent of the minority population). Each of these groups has its own distinct spoken language and cultural tradition. They share, however, a common religion (Muslim) which is the basic reason for the denomination of the minority in its entirety as "Muslim" in the Lausanne Treaty of 24 July 1923, which constitutes the legal basis for the protection of this minority.[2]

16. In this connection it would be useful to make a few comments on the issue of the self-identification of the Muslim minority of Thrace, which has been a point of criticism by some NGOs. First of all it should be stressed that the Greek authorities subscribe to the international standards which regulate this issue, and, in particular, to article 3 of the European Framework Convention for the Protection of National Minorities.[3] The latter provides that "every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as a member [of that minority] and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice". However, as the explanatory report to this article points out, the above right cannot be exercised arbitrarily but it should be based on the existence of objective criteria relating to the identity of these individuals.

17. The Greek Government does not deny the application of this principle to persons who belong to the Muslim minority. In fact every member of this minority is free to declare his/her ethnic origin (be it Turkish, Pomak or Roma), speak and learn his or her own language and exercise his or her own religion, customs and traditions.

18. The attempt, however, to identify the entire Muslim minority of Thrace as "Turkish" is, in the view of the Government, unjustifiable and goes against existing realities. It is also against

the spirit and purpose of the European Framework Convention, which also protects the members of minority groups from being assimilated into other groups by reason of their size. Despite the many problems that undeniably exist, the Greek Government makes every effort to preserve and promote the identity of the Muslim minority of Thrace and the special characteristics of the identity of its members. These efforts are described below.

Participation of the minority in political life

19. The members of the Muslim minority actively participate in Greek political life and a good number of them are members of political parties. During parliamentary elections, all political parties include in their electoral lists Muslim candidates. In almost all successive Parliaments from 1927 onwards, Muslim deputies were elected (usually two). At the parliamentary elections of 1996, almost all Greek political parties were represented with Muslim candidates in the Prefectures of Xanthi and Rhodopi where the Muslim minority lives. More specifically, in the Prefecture of Xanthi, there were seven Muslim candidates coming from seven different political parties, while in the Prefecture of Rhodopi, seven Muslim candidates came from four political parties. Both the party in Government (PASOK) and the main opposition party (New Democracy) were represented with three Christians and one Muslim candidate in the Prefecture of Rhodopi. Eventually, three Muslim candidates were elected, one from each of the three major political parties. Thus, there are 3 Muslim deputies among the 300 members of the Greek Parliament, whose number happens to correspond to the percentage of the Muslim population to the total population (i.e. 0.92 per cent).

20. In the communities where a Christian majority lives, it is quite common to have a considerable number of Muslims elected as municipal councillors, while in those municipalities where the Muslim element is in the majority, a Muslim mayor is elected. Muslim prefecture councillors are also elected in the Prefectures of Xanthi and Rhodopi. In particular, during the recent local elections of October 1998, 11 Muslim mayors of cities and municipalities were elected as well as 14 prefecture councillors.

21. The electoral law, which fixes the level of eligibility at 3 per cent at the national level, aims at securing a stable parliamentary majority and is neutral per se, i.e. it applies to all political parties. The threshold of 3 per cent is modest, when compared to the electoral laws of other European democracies and does not preclude members of the Muslim minority from fully enjoying their political rights. The relevant legislation was challenged before the European Commission of Human Rights (application No. 25758/1984, Ahmed Sadik v. Greece), which held that the threshold of 3 per cent is not contrary to article 3 of Protocol No. 1 to the European Convention (right to free elections) and declared the application manifestly ill-founded.

Educational rights of members of the Muslim minority

22. The Greek State, and the Ministry of Education in particular, consider the education of the Muslim pupils a matter of high priority. Concrete proof of this are the credits allotted every year for the running costs, maintenance and improvement of the minority schools. In 1998, in particular, 61,600,000 drachmas (approximately US$ 200,000) were spent for running costs, 289,364,000 drachmas (US$ 940,000) for new construction, 139,126,000 drachmas (US$ 452,000) for repairs and 100 million drachmas (US$ 325,000) for educational materials for

these schools. Today there are 227 primary minority schools in Thrace. Courses are taught in the Greek and Turkish languages as stipulated in Part V of the Lausanne Treaty of 1923 under the heading "Protection of minorities". The number of Muslim teachers employed in these schools is 422. More than half of them (275) are graduates of the Special Pedagogical Academy of Thessaloniki, 48 are graduates of the secondary education schools i.e. gymnasiums and Koranic schools, 90 are graduates of schools in Turkey and 9 are Turkish nationals, appointed for a set period of time according to the provisions for the exchange of teachers between Greece and Turkey contained in the 1968 Bilateral Cultural Protocol.

23. Two minority secondary education schools operate in the cities of Xanthi and Komotini, capital cities of the Prefectures of Xanthi and Rhodopi respectively, where the Muslim minority is mainly situated. The schools are housed in buildings provided by the Greek State. Both the Greek and the Turkish languages are used for the education of the students in these schools. Twelve Muslim Greek teachers, graduates of Turkish universities and seven Turkish nationals (as provided by the 1968 Bilateral Cultural Protocol) are employed. It is true that the infrastructure and capacity of these schools does not allow for the admission of the total number of students interested in pursuing their education. Thus selection for admission is by lot, as is the case in other Greek private schools. This measure has come under criticism by members of the minority. However, it must be kept in mind that for all practical purposes almost all of the candidates are finally admitted by means of a decision issued yearly by the Secretary-General of the Region of Eastern Macedonia - Thrace on the basis of a recommendation by the Coordinator of Minority Education. During the current academic year 98 per cent of the surplus applications for admission were accepted while the authorities also agreed to include among the eligible applicants even those who submitted their application belatedly.

24. It must also be mentioned that in Thrace and in the remote mountainous area in Xanthi where the Pomaks live, in particular, the State has set up and is financing the operation of Greek-language secondary schools (gymnasiums) in which the teaching of the lesson of religion in the Turkish language and the teaching of the Koran in Arabic have been introduced. Furthermore the State finances the commute to the schools for those students for whom the distances are too prohibitive. During the academic year 1997-98, 60 million drachmas (US$ 195,000) were spent for carrying students to and from the Glafki Lyceum and the Sminthi, Echinos, Glafki and Thermae gymnasiums of Xanthi Prefecture.

25. Yet another positive development in the education of the minority is the adoption of Law 2621/1998, whereby the two Koranic schools of Komotini and of Echinos in Xanthi Prefecture have been recognized as equivalent to the religious studies lyceums of the country. The Pedagogical Institute of the Ministry of Education is currently working on the new curriculum.

26. Currently, there is a positive climate of cooperation between the Ministry of Foreign Affairs and the Turkish Embassy in Athens concerning the exchange of schoolbooks for the use of Muslim students in Thrace and students of the Greek minority in Turkey. The relevant provisions are part of the 1968 Bilateral Cultural Protocol in the form of recommendations. The Turkish side submitted 19 titles for approval by the competent authority, i.e. the Pedagogical Institute of the Ministry of Education. The latter checked their content, concluding that the textbooks conform to the necessary educational standards for primary education. This

assessment puts a new positive slant on the issue of the exchange of textbooks, as books submitted by the Turkish side in the past were on the whole considered inadequate to cover the educational needs of the minority. The last time such books were submitted was in 1992-93. In order to make up for the lack of progress, the Greek Ministry of Education undertook the writing and publication of Turkish-language textbooks for use in the first five years of primary school which, according to the assessment of all the experts, fulfilled the educational and pedagogical norms. Unfortunately the distribution of these books met with the organized and guided reaction of certain circles of the minority and were never put to use.

27. The Government also pays particular attention to the improvement of the skills of pupils in the Greek language. Two educational programmes are currently being implemented and both have yielded positive results. The first is the "Programme for the Education of Muslim Children" and has been designed by the Assistant Secretariat for the Education of Greeks Abroad and Multicultural Education of the Ministry of Education in collaboration with the Athens National Capodistrian University. Its aim is the publication of textbooks for the teaching of the Greek language to students with a different mother tongue, the study of special educational programmes, the training of both Christian and Muslim teachers in the teaching of Greek as a second language and in the modern pedagogical and didactic methods, using new technology. The programme is financed by the European Union with approximately 1.2 billion drachmas (US$ 3,896,000). The second is the "Multicultural Educational Support for Student Groups in Thrace". Designed by the National Youth Foundation, it is also financed by the European Union with 585 million drachmas (US$ 1.9 million). Its aim is to facilitate the adaptation of students to the Greek educational system and alleviate the cost of education for families in need by providing free supplementary education. Another programme that was successfully put into practice in August and September 1998 was the programme for the support of Muslim students in secondary education, particularly for first-year students in the gymnasiums and students having failed their examinations.

28. As far as tertiary education is concerned, Greek law provides for a special quota of 0.5 per cent for the admission of minority students to Greek higher education institutions. When the new law was put into force in the academic year 1996/97, 70 minority students out of 84 candidates were admitted to higher education institutions. In the academic year 1997/98 the number increased to 114 students, while during the year 1998/99, 112 students were admitted.

29. The Ministry of Education has also initiated the process for the integration of the Special Pedagogical Academy of Thessaloniki - from which the teachers employed in the minority schools graduate - in the university education system. To this end, a presidential decree is under consideration which will establish a Department of Muslim, Pedagogical and Theological Studies at the Aristotelian University in Thessaloniki. In order to enhance the quality and continuity of teaching in minority schools, the law requires that advanced qualifications - including teacher training, graduate studies, foreign language skills and familiarity with other cultures, civilizations and religious practices - be taken into account during the appointment of teachers to minority schools. The law also introduces English-language courses at the primary school level. Furthermore, the law establishes special financial and retirement incentives for teachers who choose to teach at minority schools.

Religious freedoms

30. The Muslim minority in Thrace enjoys certain privileges pertaining to family (e.g. marriage, divorce) and inheritance matters. The spiritual leaders of the minority, the muftis, are vested with judicial powers over disputes between Muslims of their district concerning such family and inheritance matters. In passing his judgement, the mufti relies on Islamic law. The Greek courts (Supreme Court), in order to keep in line with Muslim customs, have ruled that the mufti is the minority's natural judge and that a Muslim may not bring a matter coming within the mufti's jurisdiction before a civil court.

31. In order, however, to reconcile Islamic law with the Greek public order and the international obligations of Greece, in particular, in the field of equality of (Muslim) women and men, a legislative document provides that the courts shall not enforce decisions of the muftis which are contrary to the Greek Constitution (Act 1920/1991, sect. 5 (3)).

32. The adjudication by the muftis is the main reason for which they have, since 1923, been appointed by the administration according to a transparent procedure in which prominent members of the minority have their say, proposing the candidates from which the muftis are chosen. The muftis are appointed by presidential decree following a recommendation of the Minister of Education and Religion.

33. In the past years, some members of the minority have contested the appointment of the muftis and instead have demanded that the muftis be elected. They even elected their own muftis despite the fact that there were legally appointed muftis in the districts of Xanthi and Komotini.

34. The European Court of Human Rights had the occasion to deal with this problem in examining a complaint brought against Greece by one of the "elected" muftis, who was imprisoned for having committed the crime of pretence of authority (judgement of 14/12/1999, Serif v. Greece). In that judgement, the European Court stated "that punishing a person for the mere fact that he acted as the religious leader of a group that willingly followed him can hardly be considered compatible with the demands of religious pluralism in a democratic society". The Court did not, however, deal with the overall competencies of the mufti and the legality of his appointment, since, given the circumstances of the case, it did not find that Mr. Serif had committed the crime of pretence of authority. The Greek authorities are ready to implement the above judgement of the Court and to find ways to solve this sensitive problem in cooperation with the minority.

2. Roma people in Greece

Educational rights

35. The situation of Roma people is of great concern to the Greek authorities, which has lately put a lot of effort into improving their standard of living. Despite these efforts, the situation is not entirely satisfactory. It is the understanding of the authorities that additional measures and a more balanced approach to the problems faced by this group is needed.

36. The Greek Parliament, in the context of parliamentary control procedures, has repeatedly examined questions related to social exclusion, acceptance by Greek society and integration to local communities of Roma/gypsies. A member of the Prime Minister's Office has been designated in order to coordinate the efforts and initiatives taken by the competent ministries and State agencies for the protection and promotion of Roma rights:

(a) In the Heraklion Prefecture, the authorities have taken a series of initiatives, among which are:

- (i) The establishment and functioning, for the fifth consecutive year, of a school for Roma children, as an annex to the 39th Primary School, with very positive results;
- (ii) The implementation of a programme for the cleaning of Roma sites, under the responsibility of the Direction for Public Health of the Prefecture, with equipment provided by the Prefecture;
- (iii) Visits of sanitary personnel to Roma sites and systematic vaccination on the spot;

(b) In the Prefecture of Attica, the municipality of Aspropyrgos allotted one of its sites for the temporary settlement of Roma people. Furthermore, four classrooms were built, at the municipality's expense, for the educational needs of Roma children;

(c) In the context of the national policy on housing, education, employment, health and cultural matters concerning Roma people, with a view to improving their living conditions and promoting social integration, the Prefecture of West Attica, in cooperation with the non-governmental organizations Hellenic Institute for Solidarity and Cooperation has implemented a pilot programme, entitled "West Attica society and Roma". This programme cofinanced by the Ministry of Interior, Public Administration and Decentralization and the European Commission aims at raising the awareness of Greek society on the problems encountered by Roma people and creating a comprehensive action plan in order to improve their situation.

37. The issue of the re-establishment of Roma people is a very complex process, comprising measures to improve infrastructure, support and inform Roma people, promote education and professional training and bring into action local communities.

38. The Ministry of Interior, Public Administration and Decentralization is implementing a programme of financing local government bodies for the improvement of social and living conditions of Roma people. In the course of 1999, 897,000,000 drachmas have been spent to this effect.

39. In the course of the school year 1996/97, the Ministry of Education and Religious Affairs embarked upon the implementation of a programme whose scope and range were nationwide, aiming at the integration in schools of children whose age calls for compulsory education and whose family background is traced to Roma or gypsies.

40. The programme, entitled "Education of Roma children" is financed by the Ministry of Education and Religious Affairs, with parallel cofunding by the European Union and is of a three-year duration. The University of Ioannina is the principal executing agency for the programme. The aims of the above-cited programme are follows:

(a) Mass admittance into and systematic attendance of Roma children in schools of compulsory education by means of a system facilitating enrolments, along with support provided to children by their parents in order that the former should put their trust in school, as well as by providing assistance to school in order that it may respond to its new role and overcome all inherent organizational disfunctions;

(b) Ensuring equal opportunities for learning and social integration to students of the target population;

(c) Recurrent training provided to teaching personnel, particularly in matters related to intercultural education and teaching methodology;

(d) Advancement of social learning, so that every student should look up to his/her schoolmate as a person possessed of the same characteristics, motives and aspirations, and endowed with the same rights, irrespective of any individual differentiation said person is likely to entertain;

(e) Fighting against deeply rooted prejudices which harbour and provide a mantle of legality to images/myths which are socially harmful for the Roma.

41. The methodology pursued is as follows:

(a) Collection and processing of data relative to the educational status of Roma children;

(b) Detection of factors placing a strain on the communication that is bound to exist between the educational institution and the family environment of the student;

(c) Setting up of a network of partners designed to build stable functional relationships between the school and the family environment of the target population;

(d) Production of teaching material relating to the acquisition of basic knowledge;

(e) Production of material geared to language teaching aimed at fostering anti-racist behaviour and providing anti-racist education to all children;

(f) Organization and operation of a monitoring and intervention unit in instances where discriminating behaviour has been noted on the part of the educational organization;

(g) The refresher training courses, which:

(i) Operate nationwide;

(ii) Operate on a system of decentralized activities and respond to local particularities;

(iii) Are based on the participation of persons undergoing such training.

42. The programme aims at intervening critically in the battle against any stereotyped model of thought by the production of teaching material whose topics are drawn from the Roma culture and by the creation of back-up lexicographic material.

43. Moreover, the system of the "card for itinerant students" established by the Ministry of Education has greatly facilitated the enrolment of Roma children in schools.

44. Already the policy pursued has brought some positive results, since the number of Roma children attending schools has increased by 30 per cent.

3. Migrant workers, refugees, asylum-seekers

45. During the 1990s, Greece experienced a wave of legal and illegal immigration. A country of emigration since the end of World War II, Greece became a country of immigration. Greek authorities have stepped up their efforts in order to ensure the integration of immigrants into the Greek society:

(a) The procedure for the legalization of migrant workers is currently under way. The deadline for registration and submission of the application for the granting of a "green card" has expired. Many aliens are already holders of a green card or of the certificate for its granting. As of June 1999, 373,196 aliens have been registered; 52,936 aliens have obtained a "white card", which enables them to reside and work legally in Greece on a temporary basis; 225,691 applications for the granting of a "green card" have been submitted; 28,077 favourable decisions have been taken; and 22,981 "green cards" have been issued;

(b) Presidential Decrees 358 and 359/1997 establish full equality of rights in employment (mainly in the fields of salary, working conditions and social security) between Greek citizens and all foreign nationals legally working in Greece;

(c) Presidential Decree 189/1998 on conditions and procedures for the granting of work permits (to dependent as well as independent workers) or other assistance for integration in the economic life of the country of recognized refugees, asylum-seekers and temporary residents for humanitarian reasons provides the legal basis for measures aiming at facilitating the integration of refugees in Greek society. Refugees can obtain a work permit on more favourable terms and conditions than other aliens, as no preliminary authorization is required. The right to professional training is recognized for refugees on the same conditions as for Greek citizens;

(d) A new Presidential Decree (No. 61/99) on asylum procedures was put into effect in June 1999. The Decree provides close cooperation between Greek authorities and representatives of the United Nations High Commissioner for Refugees and lays down rules and conditions for the exercise of the right of refugees to family reunion;

(e) A new draft immigration bill is currently before Parliament, aiming at the integration of immigrants into Greek society, the protection and promotion of their human rights as well as the strengthening of legal safeguards against discrimination. The basic principles of this draft are in full conformity with international standards for the protection of migrant workers and their human rights. More specifically, these principles are as follows:

(i) Aliens, irrespective of whether they are legally or illegally in Greece, enjoy all human rights guaranteed by municipal law, international treaties and general principles of law. The draft underlines the right of migrant workers to enjoy judicial protection and to have access to public authorities and civil services;

(ii) Legal aliens enjoy equal treatment with Greek citizens in matters of access to justice, social welfare, social security and health care, school attendance, participation in cultural life, vocational training, liberty of association, trade union liberties and exercise of the freedom of religion;

(iii) Aliens holders of work or residence permits for an indefinite period of time, enjoy, in principle, equal treatment with Greek and European Union citizens concerning access to dependent and independent professions, as well as to vocational training;

(iv) Aliens detained in prison enjoy equal treatment with Greek citizens, particularly in matters of social reintegration and respect for their religious beliefs. They are immediately informed of their rights and duties, in a language which they understand. Legal aliens enjoy equal rights to social security benefits;

(v) All forms of discrimination on grounds of race, ethnic origin, nationality or religion affecting the enjoyment of rights and freedoms in political, economic, social, cultural and all other forms of public life are prohibited;

(vi) Alien minors residing in Greece are subject to the nine years of compulsory school education, as are Greek pupils. The guiding values of the education system are mutual respect, acceptance of linguistic and cultural differences, tolerance and cross-fertilization of cultures. Provision is made for optional teaching of the mother tongue and culture of foreign students.

4. Linguistic and educational rights of aliens

46. An intercultural school in Athens, whose 60 per cent of student population consists of children of internal migrants, members of the Muslim community from Thrace, as well as of children of recent migrants from Albania, is applying experimentally a programme relating to refresher training of teachers and a model all-day teaching curriculum.

47. Specifically, the recurrent training of the teachers of the all-day school covers the following issues: tackling different cultural identities, understanding bilingualism, tackling the

social causes of school failure, learning Greek as a second language, procedures pertaining to harmonious integration in school, new teaching techniques, pedagogical principles designed to boost learning incentives in children and principles affecting intercultural education.

48. There are currently 20 intercultural schools (primary schools, secondary education schools, lyceums). In schools with a significant number of Albanian and Russian-speaking pupils, the Ministry of Education has appointed Albanian and Russian-speaking teachers in order to provide special assistance to these pupils.

5. Training of law enforcement officials and public servants

49. Greek authorities have taken special measures in the light of the Committee's General Recommendation XIII (42) adopted on 16 March 1993, accorded to which law enforcement officials should receive intense training to ensure that in the performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.

50. The annual programme for the refresher training of Greek police personnel includes among others, topics concerning aliens, passport control, immigration, the right to asylum, regularization, work and residence permits of aliens, etc. In the Department of Professional Training of Staff Officers, the following courses are taught:

(a) Meaning and causes (social, political, cultural and economic) of racist and xenophobic crimes, domestic legislation for the prevention and repression of such crimes;

(b) Contribution of the Police to the integration of aliens and the eradication of racist and xenophobic violence;

(c) Political asylum, refugees and the relevant Greek and European experience;

(d) Freedom of movement and establishment of aliens;

(e) Constitutional safeguards concerning arrest and detention;

(f) Police and immigrants;

(g) Roma, social behaviour, establishment and protection;

(h) Fundamental rights;

(i) Social minorities and inequalities.

51. During the training of border guards, special attention is given to the teaching of constitutional law, which includes matters such as the European Convention on Human Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and

Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment and Refugee law. Thus border guards are fully aware of their duty to respect human rights in accomplishing their mission.

52. The Ministry of Public Order cooperates closely with the UNHCR Office in Greece to keep police personnel continuously and immediately informed about human rights, especially immigrants' rights. Police agents and officers participate regularly in seminars, colloquies, conferences and lectures organized by non-governmental organizations. Recently, 30 officers of the Thessaloniki General Police Direction participated in a special training programme at Aristotle University of Thessaloniki on racism-xenophobia and violence, carried out in the context of the continuous training programme for police officers.

53. In the context of the training programmes cofinanced by the European Union, a special refresher training programme for police personnel in human rights issues is in the process of approval by the Ministry of Education.

54. Public servants involved in immigration issues participate in a series of refresher training seminars in the context of the European Union "Odysseus" programme, in cooperation with the Italian Ministry of the Interior. The aim of the aforementioned programme is the exchange of ideas and good practices as well as the solution of problems arising from legal or illegal immigration. In the programme against exclusion from labour market, cofinanced by the European Social Fund, special measures are included for the employment and professional training of immigrants, repatriated persons and refugees.

Article 4 (Measures to eradicate all incitement to, or acts of, discrimination in any form)

55. Law 927/1979 is the main legislative act aiming at penalizing: (a) incitement to discrimination, hatred or violence against individuals or groups because of their racial, ethnic and [by virtue of Law No. 1419/1984] religious origin; (b) establishment of, and membership in, organizations which produce organized propaganda or other activities aimed at racial discrimination; (c) public, oral and written expression of offensive ideas aimed at racial discrimination, and (d) the act of refusing to sell goods or supply services, or subjecting the aforementioned activities to special conditions, on racial grounds.

56. During the period under review, no convictions have been imposed on the basis of Law 927/1979. A committee of experts established in the Ministry of Justice is considering proposals to improve legislation aimed at repressing acts of racial discrimination. The draft immigration bill enables prosecuting authorities to press charges ex officio in the case of racist and discriminatory acts.

57. To date, no complaints have been filed before the competent authorities with regard to misbehaviour based on racial prejudice on the part of police officers towards refugees, legal or illegal immigrants and/or members of minority groups.

58. However, each time the competent department of the Greek police is notified of any violation linked to improper or unlawful behaviour on the part of police personnel against any

person, whether he or she belongs to any of the aforementioned groups or not, or to violations of human rights in general, disciplinary proceedings are immediately initiated against the alleged perpetrators, following the relevant disciplinary rules of the Greek Police Corps.

59. The issue of the protection of human rights of all persons living in Greece is of primary importance to the Greek police and is always dealt with in a responsible manner. The newly adopted disciplinary rules, which entered into force in 1996, provide for a special procedure aiming at the most urgent investigation of the relevant complaints by the competent authority. When the veracity of such allegations is proven, severe disciplinary sanctions are taken against the responsible police agents. If the disciplinary offences also constitute criminal acts, the Prosecutor's Office is informed, in order to institute criminal proceedings against the agents concerned.

Article 5 (Elimination of racial discrimination in the enjoyment of human rights)

Freedom of association

60. Aliens have the right to form and participate in associations, trade unions, etc. Greek courts have refused to apply Greek legislation, namely the relevant provision of the Civil Code (art. 107 of the Introductory Law to the Civil Code), which does not fully allow aliens to manage associations, as being contrary to the Constitution, the European Convention as well as the more general provisions of the Civil Code, namely article 4, which provides for the equal enjoyment of civil rights between nationals and aliens (see for instance judgement No. 4300/1996 of the Athens Court of First Instance).

61. In 1998, the European Court of Human Rights found a violation of article 11 of the European Convention by Greek courts, which refused to register an association, called "Home of Macedonian civilization", suspected of undermining the country's territorial integrity (European Court of Human Rights, Sidiropoulos v. Greece, 10 July 1998). The Court's judgement was communicated, by circular of the President of the Court of Cassation, to all courts and tribunals in Greece, in order to prevent similar violations of the right of association in the future.

Freedom of religion

62. Greek authorities have taken measures to ensure the equal enjoyment of religious freedom by persons who do not belong to the Eastern Orthodox Church.

63. Greek legislation empowers the Minister for Education and Religious Affairs with power to authorize the opening of places of worship. But this is clearly circumscribed and aims solely at ensuring that the conditions laid down by article 13 of the Constitution are met. If this is the case, the granting of the authorization may not be withheld and the authorities have no discretionary power in this respect. In the period 1994-1998, 84 applications for opening houses of worship were submitted; and were all approved. In 1999, 19 such licences were issued. Today, 18 applications are pending, the delay being due to the recent introduction of a new requirement, namely that the applicants should produce a certificate that the building of the proposed place of worship meets certain safety standards. The friendly settlement of the Pentidis case before the European Court of Human Rights, following the finding of violation by the Court

in the Manoussakis case, is an example of the effort to harmonize the practice of the Administration with the requirements of the Convention. Furthermore, in case the authorization is refused, the application for judicial review before the Supreme Administrative Court provides an effective remedy, as illustrated by the 1995 judgement of the Council of State in the Kirche Jesu Christi der Heiligen der Letzten Tage case. Moreover, the opinion of the local Orthodox Bishop is not binding on the Minister of Education and Religious Affairs, who may decide to disregard it if he considers that it is not supported by reasons prescribed by law.

64. In February 2000, the Minister for Foreign Affairs, following a meeting with senior diplomats, reiterated the commitment to step up procedures for the construction of a mosque in Athens.

65. Law 1363/1998 criminalizing proselytism has been found, at least in principle, in conformity with the European Convention on Human Rights by the European Court of Human Rights. Greece was condemned only for the failure of the competent courts to give sufficient reasons for their decisions. The European Court, Kokkinakis and Larissis cases, found that the aforementioned Law satisfies the principles of certainty and aforeseeability and that it may be applied in conformity with the European Convention. The Larissis case is, in part, an example thereof. Following the Kokkinakis judgement, the Committee of Ministers of the Council of Europe adopted resolution DH (97) 576 according to which, following the dissemination by circular of the European's Court judgement the prosecutors and the indictment chambers of the tribunals have adapted their interpretation of Greek legislation to the requirements set by the Court's judgement so that the tribunals were involved only in a very few cases of proselytism and that no conviction has been pronounced in a case similar to the Kokkinakis case. Since 1994, there have been only two convictions for proselytism vis-à-vis minors. Nobody is currently being prosecuted on grounds of proselytism.

66. Following the European Court's judgement in the Catholic Church of Canea case, article 33 of Law 2731/1999 has been enacted, confirming the legal personality of the Catholic Church in Greece.

67. Recently, a Committee has been set up by the Minister for Foreign Affairs, which will proceed to a general overhaul of the legislation regarding freedom of religion issues and will propose remedies for any shortcomings in comparison with international standards.

68. The Council of State considered that non-Orthodox pupils have the right to be exempted from participating in manifestations of a religious character, as well as from following the class of religious teaching (Council of State, Judgement No. 3356/95).

Social rights

69. As already stated, Greece has signed or ratified the main international treaties guaranteeing social and economic rights (recent examples include the Protocol amending the European Social Charter; the Additional Protocol to the European Social Charter; and the Additional Protocol to the European Social Charter providing for a system of collective complaints). These rights are recognized, according to the principle of non-discrimination, to nationals and aliens alike.

70. There are no discriminatory provisions in Greek legislation against any category of Greek citizens. Aliens who stay legally in Greece and have obtained residence and work permits or "green cards" suffer from no discrimination with respect to employment, housing, access to public services, etc. However, employment in the public sector is limited to European Union nationals.

71. Law 1414/1984 provides for gender equality in employment covering the whole spectrum of labour relations. Moreover, Ministerial Decision 33605/15.06.99 has set up employment projects within the framework of the European Programme of Combating Exclusion from the Labour Market. It should be noted, as already stated, that Presidential Decrees Nos. 358 and 359/1997 establish full equality of rights in employment between Greek citizens and all foreign nationals legally working in Greece.

72. On matters of social welfare, domestic courts are also applying the principle of non-discrimination. In that respect, relevant legislation applies to foreign nationals according to the conditions provided therein (Council of State 3487/92). Ethnic Greeks of non-Greek nationality may claim that the relevant legislation may not apply stricto sensu whenever the applicable law requires qualifications which only Greek nationals may satisfy because of their continuing employment in Greece (Council of State 3133/92). Besides, the case law of the competent courts considers that a widow of a public servant is entitled to pension under the same conditions as Greek nationals regardless of nationality (State Audit Council 1617/98) applying directly article 14 of the European Convention on Human Rights.

Right to equal treatment before the tribunals and all other organs administering justice

73. Article 17 of Law 2721/1999 foresees the provision of free legal aid in case of indigency of a person accused of a crime or misdemeanour.

Right to a nationality

74. In 1998 article 19 of the 1955 Citizenship Code was repealed (art. 9, para. 14 of Law 2623/1998). The application of this article, which allowed the withdrawal of Greek citizenship from persons of non-Greek ethnic origin who left the country with no intention of returning, had raised many issues in the past. The Constitution of 1975 included an implicit pledge to abolish that article, however, in order to comply with the international obligations assumed by Greece when it ratified the International Covenant on Civil Political Rights.

75. Article 20, paragraph 1 (c), of the Citizenship Code allows the competent authorities to deprive persons of their Greek citizenship, if, while living abroad, they commit, for the benefit of a foreign State, acts contrary to the interests of Greece. This article is still in force, but it has been applied only in very exceptional cases in recent years. Attention is drawn to the fact that an individual complaint contesting compliance with the European Convention on Human Rights of a decision of the Greek authorities to revoke citizenship on the basis of article 20 was brought before the European Commission on Human Rights. The Commission declared the application inadmissible ratione materiae, as to article 6 of the European Convention, and inadmissible for non-exhaustion of local remedies, as to articles 7, 8, 9, 10, 11, combined with article 14 of the Convention (application No. 17309/90, Galip v. Greece).

Right to leave any country, including one's own, and to return to one's country

76. The large majority of political refugees who fled the country during the civil war (1945-1949), as well as their descendants, returned to Greece, even though they had been deprived of their Greek citizenship, and they were registered with municipal rolls by virtue of Ministerial Decision 106841/1982. These individuals were given back their Greek citizenship.

Article 7 (Measures in the fields of teaching, education, culture and information)

77. At the primary school level, the textbooks on civic education contain chapters on the Greek Constitution and on human rights, including the Universal Declaration of Human Rights and the Convention on the Rights of the Child.

78. At the secondary school level, human rights are integrated into the following courses: Introduction to law and political institutions (17-year-olds) and Introduction to the principles of a democratic State (15- and 18-year-olds).

79. Academics provide occasionally courses on human rights education in teacher training centres, and the Institute of Peace (Thessaloniki) has organized courses on human rights issues throughout Greece since 1987 in cooperation with school advisers.

80. In 1996, a two-year post-graduate programme at the Department of Pedagogical Studies at the University of Athens was established entitled "Human rights and comparative education". In the Aristotle University of Thessaloniki, a programme for education on human rights and peace entitled "Contemporary world problems and the scientists responsibility" has been taught since 1997.

81. Non-governmental organizations are actively involved in human rights education. The Marangopoulos Foundation for Human Rights has translated and distributed to schoolteachers throughout Greece the United Nations publication "About the UN - Teaching about Human Rights", which serves as a model for human rights education. More recently, the Foundation has produced the Greek version of a Council of Europe video film for 13- to 18-year-olds entitled "Stand up NOW for Human Rights!" together with the accompanying support pack for trainers. The videocassette has been distributed to a significant number of schools in Greece. Furthermore, the Greek Committee for UNICEF has been active in the field of education for peace and is participating in the Mediterranean Group on Education for Development aimed at creating educational material on education for development and human rights.

Notes

[1] According to established practice, the judgements of the European Court of Human Rights concerning Greece are translated into the Greek language and transmitted by circular of the Ministry of Justice to the competent courts and tribunals. The growing impact of the case law of the European Court in the Greek legal order is illustrated in the following examples:

- Greek courts had developed a constant case law, according to which, only immovable property is protected by the Constitution and international human rights treaties. This case law was radically changed in 1998, when the Court of Cassation, based on a series of European Court judgements, considered that claims, as well as other proprietorial interests, fall within the scope of the right to the peaceful enjoyment of possessions (Court of Cassation, 40/1998).

- Greek courts have been willing to accept that the legislature is not precluded from extinguishing claims arising under laws previously in force and from striking out proceedings pending before courts. Following the European Court's judgements in the Stran and Papageorgiou cases, Greek courts now admit that the striking out of proceedings in which the State is a party constitutes a breach of the right to a fair trial (Council of State, 542/1999).

[2] The Peace Treaty of Lausanne of 24 July 1923, which was concluded between the Allied and Associated Powers on the one hand and Turkey on the other, establishes the boundaries of the new Turkish Republic. In addition it contains provisions (39-45) for the protection of the Greeks of Constantinople who were explicitly excluded from the exchange of population between Greece and Turkey in 1923 (Lausanne Agreement of January 1923) and other non-Muslim minorities. The same obligation of protection was also assumed by Greece, on a reciprocal basis, through article 45 of this Treaty with respect to the "Muslim" minority of Thrace, which was also excluded from the above exchange of populations between the two countries. Throughout these years, Greece has applied all the above provisions vis-à-vis the Muslim minority of Thrace notwithstanding the fact that the Greek minority in Turkey has largely disappeared and has been reduced to 3,000 people from a total of 300,000 people at the time of the conclusion of the Lausanne Treaty.

[3] This document has been signed by Greece and its ratification will take place as soon as various internal measures necessary for the implementation of the Convention have been adopted.
